



JOSEPH S. PAXTON
County Administrator



ROCKINGHAM COUNTY

BOARD OF SUPERVISORS

PABLO CUEVAS

Election District No. 1

FREDERICK E. EBERLY

Election District No. 2

RICK L. CHANDLER

Election District No. 3

WILLIAM B. KYGER, JR.

Election District No. 4

MICHAEL A. BREEDEN

Election District No. 5

BOARD OF SUPERVISORS MEETING January 27, 2016

- 6:00 P.M. **CALL TO ORDER – CHAIRMAN WILLIAM B. KYGER, JR.**
INVOCATION – SUPERVISOR RICK L. CHANDLER
PLEDGE OF ALLEGIANCE – ASSISTANT COUNTY ADMINISTRATOR
GEORGE K. ANAS, II
1. Approval of Minutes – Regular Meeting of January 13, 2016 and Recessed Meeting of January 20, 2016
 2. Recognition of 2015 Chairman Michael A. Breeden
 3. Report - 2015 Brent Berry Food Drive – James William “Bucky” Berry
 4. Report – Virginia Department of Transportation – Residency Administrator Donald F. Komara
 5. Consideration – Shenandoah Valley Soil & Water Conservation District Grant Request
 6. Staff Reports:
 - a. County Administrator – Joseph S. Paxton
 - b. County Attorney – Thomas H. Miller, Jr.
 - c. Deputy County Administrator – Stephen G. King
 - d. Assistant County Administrator – George K. Anas, II
 - e. Director of Finance – Patricia D. Davidson
 - f. Director of Public Works – Barry E. Hertzler
 - g. Director of Community Development – Casey B. Armstrong
 7. Committee Reports: Airport, Automobile, Buildings and Grounds, Central Shenandoah Planning District Commission, Chamber of Commerce, Community Criminal Justice Board, Finance, Harrisonburg-Rockingham Metropolitan Planning Organization, Harrisonburg-Rockingham Regional Sewer Authority, Massanutten Regional Library, Public Works, Shenandoah Valley Partnership, Social Services, Technology, VACo Liaison, Chairman, Other

8. Committee Appointments:
 - a. Community Policy and Management Team
9. Closed Meeting - pursuant to 2.2-3711.A, (1), Discussion of the assignment, promotion, demotion, performance, salary, discipline or resignation of a specific officer, appointee or employee; and, 2.2-3711.A (3), Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

7:00 p.m. 10. Public Hearings:

a. Rezoning:

REZ15-314, Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Route 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

REZ15-317, Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Route 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

b. Ordinance Amendments:

OA15-325, Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

OA15-327, Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.

11. Unfinished Business

****ADJOURN****

January 13, 2016

The Organizational Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 13, 2016, at 3:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
RICKY L. CHANDLER, Election District #3
WILLIAM B. KYGER, JR., Election District #4

MICHAEL A. BREEDEN, Election District #5 was absent

Also present:

BRYAN F. HUTCHESON, Sheriff

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
GEORGE K. ANAS, II, Assistant County Administrator
CASEY B. ARMSTRONG, Director of Community Development
PATRICIA D. DAVIDSON, Director of Finance
ANN MARIE FREEMAN, Director of Court Services
BARRY E. HERTZLER, Director of Public Works
JEREMY C. HOLLOWAY, Fire & Rescue Chief
KATHARINE S. McQUAIN, Director of Parks and Recreation
JENNIFER J. MONGOLD, Director of Human Resources
TERRI M. PERRY, Director of Technology
RHONDA H. COOPER, Director of Planning
DIANA C. STULTZ, Zoning Administrator
KELLY S. GETZ, Code Compliance Officer
JAMES B. MAY, Senior Planner
JESSICA G. KILBY, Deputy Clerk
DONALD F. KOMARA, Residency Administrator
Virginia Department of Transportation
JOSHUA W. DUNLAP, Assistant Residency Administrator
Virginia Department of Transportation

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CALL TO ORDER

Administrator Paxton called the meeting to order at 3:05 p.m.

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APPROVAL OF MINUTES.

On motion by Supervisor Eberly seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER - AYE; the Board approved the minutes of the regular meeting of December 9, 2015.

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2016 REORGANIZATION OF THE BOARD.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board elected William B. Kyger, Jr. as Chairman for 2016.

On motion by Supervisor Eberly seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS – AYE; EBERLY – AYE; KYGER - AYE; the Board elected Ricky L. Chandler as Vice-Chairman for 2016.

Administrator Paxton turned the meeting over to Chairman Kyger.

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INVOCATION PLEDGE OF ALLEGIANCE.

Supervisor Chandler gave the Invocation and Assistant County Administrator Anas led the Pledge of Allegiance.

Chairman Kyger noted that Supervisor Breeden would not be present due to a gravely ill family member. He asked the Board and staff to keep Supervisor Breeden and his family in their thoughts and prayers.

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SETTING OF DAY AND TIME OF REGULAR MEETINGS.

Administrator Paxton reviewed a motion prepared to establish the day and time of regular meetings in 2016. He pointed out that there is only one meeting during the months of May, November and December.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board set the 2016 meeting schedule as follows: beginning with this meeting held on January 13, 2016, and each second Wednesday thereafter, the first meeting of the month shall commence at 3:00 p.m. and beginning January 27, 2016, and each fourth Wednesday of each month thereafter, the second meeting of the month shall commence at 6:00 p.m., with the following exceptions: the first meeting in April, on April 13, 2016, which will include a public hearing on the proposed budget for FY 2016-17, will be held at East Rockingham High School and will begin at 2:00 p.m. In addition, there will be only one meeting held in May on May 18, 2016 at 3:00 p.m.; in November on November 16, 2016, at 3:00 p.m.; and, in December on December 14, 2016 at 3:00 p.m.

With regard to meetings delayed due to inclement weather, if a meeting cannot be held due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held at the scheduled time on the following Wednesday, unless otherwise determined by the Board.

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REVIEW OF COMMITTEE ASSIGNMENTS.

The Board received the following draft of the 2016 Chairman's Committee appointments:

BOARD OF SUPERVISORS 2016 Chairman's Committee Appointments

BOARD COMMITTEES:

BUILDINGS AND GROUNDS

Frederick Eberly
Rick Chandler

FINANCE

Michael Breeden
Pablo Cuevas

PUBLIC WORKS

Pablo Cuevas
Michael Breeden

PERSONNEL-RELATED (Ad Hoc)

Chairman
Vice-Chairman

AUTOMOBILE

William Kyger
Rick Chandler

LIAISON COMMITTEES:

CITY-COUNTY LIAISON

Pablo Cuevas
William Kyger

**AUGUSTA/ROCKINGHAM
LIAISON COMMITTEE**

William Kyger
Rick Chandler

SCHOOL BOARD LIAISON

Pablo Cuevas
Frederick Eberly

TOWNS/COUNTY LIAISON

Chairman
Town's Board Member

OTHER COMMITTEES:

**CENTRAL SHENANDOAH PLANNING
DISTRICT COMMISSION**

Rick Chandler
Casey Armstrong

TECHNOLOGY COMMITTEE

Frederick Eberly
Rick Chandler

**SOCIAL SERVICES
ADVISORY BOARD**

Michael Breeden

REGIONAL JAIL COMMITTEE

Frederick Eberly
Pablo Cuevas

CHAMBER OF COMMERCE

Frederick Eberly

MASSANUTTEN REGIONAL LIBRARY

Rick Chandler

**COMMUNITY CRIMINAL
JUSTICE BOARD**

Pablo Cuevas
County Administrator

RELATED LANDS (Federal)

Michael Breeden
Rhonda Cooper

VACO BOARD

William Kyger

WORK FORCE INVESTMENT BOARD

George Anas
Michele Bridges, alternate

METROPOLITAN PLANNING ORGANIZATION

Rick Chandler	Frederick Eberly, Alternate
William Kyger	Stephen King, Alternate
Joseph Paxton	Casey Armstrong, Alternate

Chairman Kyger pointed out that with Administrator Paxton's retirement approaching and with the recent retirement of former Finance Director Allmendinger, he did not make changes to the most critical committees in order to provide stability.

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RECESS.

At 3:13 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Countryside Sanitary District.

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RECESS.

At 3:15 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Lilly Subdivision Sanitary District.

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RECESS.

At 3:16 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Penn Laird Sewer Authority.

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RECESS.

At 3:17 p.m., Chairman Kyger declared the regular meeting recessed for a meeting of the Smith Creek Water and Waste Authority.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department. He highlighted the following:

1. Work began on the Valley Pike (Route 11) bridge project;
2. A preconstruction conference will be held on January 26, 2016 regarding the installation of turn lanes at the intersection of East Side Highway (Route 340) and Port Republic Road (Route 253);

3. He provided an update regarding an upcoming project on Massanetta Springs Road (Route 687), noting that work should begin during the summer of 2016;
4. VDOT staff are actively working with the Town of Elkton on the transportation mobility study; and,
5. Recent maintenance has included cutting brush and ensuring staff are prepared in the event of bad weather.

Supervisor Cuevas indicated that Overly Hollow (Route 823) is not wide enough near Gerald Dove's property, noting that there is a steep drop off.

In response to Supervisor Eberly, Mr. Komara reported that staff are working hard to maintain smooth dirt roads.

Chairman Kyger pointed out that the edge of the pavement on the County side of Dinkel Avenue (Route 257) is starting to deteriorate. He suggested patching the crumbled areas for the winter, and laying asphalt in the Spring.

Chairman Kyger mentioned that the Town of Bridgewater approved a speed limit reduction from 35 miles per hour to 29 miles per hour on Dinkel Avenue (Route 257), which bisects the campus of Bridgewater College. He indicated Bridgewater College students requested the speed reduction to improve safety on campus. Chairman Kyger mentioned reducing the number of crosswalks and increasing the lighting at each crosswalk may be a good solution as well.

Supervisor Cuevas reminded Mr. Komara of the County's request for a traffic signal on Spotswood Trail (Route 33) at the Albert Long Park entrance.

Chairman Kyger noted that a business owner contacted him regarding upcoming repair to the bridge in the City on Pleasant Valley Road (Route 679) near Massanutten Technical Center. He said there are concerns that the work will cause disruption to the industrial access of heavy trucks from I-81 entering the Pleasant Valley Industrial Park. The business owner suggested a traffic signal at the intersection of Cecil Wampler Road (Route 704) and South Valley Pike (Route 11). As this is a City project, Chairman Kyger asked Mr. Komara to discuss the issue with the City.

County Attorney Miller informed the Board of staff's intent to request abandonment of Steel Drive, an old easement that is no longer in use. He explained that when considering abandonments, State Code requires the County to post three signs by the roadway for thirty days. Mr. Miller indicated the request will come before the Board on February 10, 2016 at 6 p.m. He pointed out that staff discussed the issue with neighbors in

the vicinity, who have no problem with the request. Chairman Kyger acknowledged staff's request to move forward with the advertisement and notify the public.

(A sketch is attached to and made a part of these minutes)

Supervisor Chandler received notice that Barrington and Lakewood subdivisions have been working with the Sheriff's Department and VDOT to address excessive speed concerns. The neighborhoods requested an additional fine of \$200 for speeding violations. Mr. Komara indicated he received signed petitions. Administrator Paxton explained that in order to move forward with the request, the Board would need to direct VDOT to conduct a formal speed study on the streets in question and provide the data for the Board's review and recommendation.

Chairman Kyger directed VDOT to move forward with the speed study in the Barrington and Lakewood subdivisions and provide a recommendation to the Board.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

Administrator Paxton welcomed Ellen Harrison, Executive Director of the Harrisonburg-Rockingham Community Services Board. Ms. Harrison was present to support the County submission for NACo's "Stepping Up to Reduce the Number of People with Mental Illness in Jails" program to be presented by Ms. Freeman later in the meeting. Administrator Paxton pointed out that Ms. Harrison has been at the forefront of addressing mental health issues in the City and County and how those issues affect the Jail.

Administrator Paxton welcomed new Finance Director Patricia Davidson to her first official Board meeting. He indicated that with the retirement of Mr. Allmendinger, Board action is necessary to appoint Mrs. Davidson as the County's Purchasing Agent, along with several other appointments.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board:

1. Appointed Patricia D. Davidson to fill the following appointments:
 - a. Purchasing Agent (for the County);
 - b. Member - Middle River Regional Jail;
 - c. Alternate for Stephen G. King - Community Policy and Management Team, and;
2. Appointed Assistant County Administrator George K. Anas, II to serve as staff to the Economic Development Authority, and County Attorney Thomas H. Miller, Jr. as counsel to the Economic Development Authority.

Administrator Paxton pointed out that the appointments of Mr. Anas and Mr. Miller to the Economic Development Authority will save the County in auditing and legal fees. He noted the County will continue to use BotkinRose PLC for bond counsel work.

Additionally, Mr. Paxton mentioned a number of position-specific appointments to be recognized by the Board.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY – AYE; KYGER – AYE; the Board authorized the following position-specific appointments:

- 1) Joseph Suters – Member - Alcohol Safety Action Program
- 2) Ellen Harrison – Member - Community Criminal Justice Board
- 3) Ellen Harrison – Member - Community Policy and Management Team

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FINANCE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Davidson's staff report dated January 13, 2016.

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Hertzler's staff report dated January 13, 2016.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Armstrong's staff report dated January 13, 2016.

Community Development Director Armstrong brought attention to the draft Voluntary Conservation Easement Ordinance in his staff report and indicated that the County has been asked to consider co-holding conservation easements.

Ms. Cooper provided a presentation listing the following characteristics of conservation easements for the Board's consideration:

1. Everyone cares about the physical environment and intelligently maintaining our shared natural resources. Everyone wants good things for our grandchildren to inherit. Different people offer different ideas about how to accomplish these goals.
2. Conservation easements are one of these ideas. They are a legal device by which a property owner limits permissible land uses on his property and conveys to a third party the power to enforce the limitations.
3. Typically, the list of permissible land uses is very restrictive. In general terms, the land is to be used only for “agricultural”, forest or open-space uses. Even the construction of a residential structure will be regulated.
4. In exchange for placing a conservation easement on his property, the landowner acquires the right to take advantage of a lucrative tax write-off under the federal income tax laws. This tax benefit is to the current property owner only, and is available to him for a brief period of time. It should not be confused with the land-use valuation created by Virginia State law.
5. Conservation easements are, and in order to qualify for the federal tax break must be, in perpetuity. That is a very long time.
6. Virginia’s law against perpetuities is a centuries old legal principle, which recognizes that “dead-hand” control of real property is not a good idea. An exception to the law against perpetuities was carved out so conservation easements would be enforceable.
7. A widely held perception among legal, accounting and local government practitioners is that the primary motivation for placing a conservation easement on property is the acquisition of the federal tax write-off. It is unlikely a landowner would place an easement on his property if the tax credit were not available.
8. Combining several of the forgoing points, when a conservation easement is placed on a parcel, the current property owner acquires an immediate tax break and the County has thrust upon it a parcel permanently rezoned to a short and limited list of permissible uses. The rezoning was enacted without any of the usual public input, now or in the future.
9. All too often, land under a conservation easement can become unmarketable.
10. If the surrounding area becomes developed, it will eventually become impracticable to farm the land. In fact, the owners of the surrounding land may not even want it to be farmed. The local government may not want it farmed. The future owner of the land may not desire to farm it personally, yet will find it difficult to rent to a tenant farmer because transporting equipment to the property becomes impracticable. The land ends up in disuse, providing habitat for risks to public health and safety. One such example lies within Chesterfield County. Of course, as long as the surrounding land use

continues to be agricultural, marketability as an agricultural property will not be an issue. Additionally, easement restrictions prohibit public use (such as for a park), in the event agriculture is no longer practicable.

11. This Board could be in unenviable position when it considers amendments to its Comprehensive Plan and Zoning Ordinance if landowners in the nineteenth century had placed such easements on parcels randomly scattered throughout the County. If someone owning 50 acres outside the city limits of Harrisonburg in 1880 had placed a conservation easement on land now occupied by James Madison University, it might still be Madison College, because it was not able to grow.
12. Wording conservation easements is difficult. What does it mean to limit uses to “agricultural?” Does that mean “agricultural” as it is understood when the easement is put in place? Can the drafters anticipate how “agricultural” practices will change over the decades? The centuries? For example, even today the Virginia Outdoors Foundation (VOF) limits impervious surfaces, thereby preventing intensive agricultural operations from being accepted.
13. Wording a conservation easement to be supportive of a battlefield is also difficult.
14. Issues raised by the request that the County should serve as a co-holder of conservation easements include staff time and financial commitment to monitor and enforce the terms of an easement, the source of funding for these additional duties and, the real or perceived commitment to be actively involved in the enforcement of the terms of the easement.
15. Because of the many issues raised by the in-perpetuity element of conservation easements, it is foreseeable that the day will come when these easements are challenged in court and before the legislature. It is also foreseeable that local governments may be in the forefront of raising such challenges. That could be seen as an awkward position to take if the County is a co-holder of conservation easements.
16. However, if the Board is interested in co-holding easements, and wishes to consider an area smaller than a countywide approach, it may wish to consider co-holding in the Core Area of the battlefields and area contiguous with the Core Area.
17. In sum, conservation easements can be understood as the current private property owner dictating to all future generations the best way to use a particular parcel of real estate, based on today’s understanding of land use practices, and quite possibly motivated by a very short term and very personal financial benefit.

Ms. Cooper stated that the Shenandoah Valley Battlefields Foundation would like to acquire easements on three properties. To do so, she explained that the funding sources

require a government co-holder. The deadline to submit for the grant opportunities is March 31, 2016.

After a discussion between the Board and staff regarding conservation easements, and how they work, Chairman Kyger requested that staff research the issue and provide more information including a list of options and implications to the Board before the February 10, 2016 Board meeting.

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TECHNOLOGY DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mrs. Perry's staff report dated January 2016.

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PARKS & RECREATION DIRECTOR'S STAFF REPORT.

Mrs. McQuain provided a PowerPoint Presentation of events from the past year. She pointed out that over 515 programs were offered in 2015 and noted that many more activities will be offered when the new Albert Long Park opens. She thanked the Board for their support of Albert Long Park.

The Board received and reviewed Mrs. McQuain's staff report dated January 2016.

In response to Supervisor Cuevas, Mrs. McQuain stated that the majority of activities offered are held in Rockingham County Public Schools.

Administrator Paxton reported that at its December meeting, the Rockingham Recreation Foundation met with Mensel Dean and John Flora to discuss fundraising opportunities. It was suggested that the Rockingham Recreation Foundation would benefit greatly from services of a fundraising consultant.

Staff drafted a Request for Proposals (RFP) to acquire consulting services and requested the Board's approval to issue the RFP.

Administrator Paxton explained that if approved, staff will solicit the proposals and then the Foundation Board will interview and provide recommendations to the Board of Supervisors.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board authorized staff to issue Request for Proposals for fundraising consultant services for the Rockingham Recreation Foundation, LLC.

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COURT SERVICES DIRECTOR'S STAFF REPORT.

The board received and reviewed Mrs. Freeman's staff report dated January 13, 2015.

Mrs. Freeman brought attention to The Stepping Up Initiative – a national initiative sponsored by the National Association of Counties (NACo) to reduce the number of people with mental illnesses in jails. She provided the Board with a resolution and asked for their support.

Administrator Paxton pointed out that the resolution does not commit the County or City to spend money. Instead, it brings attention to the great work taking place in the community and shows that the County is at the forefront of addressing mental health illness in both the community and the jail.

On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following resolution:

RESOLUTION

“Stepping Up to Reduce the Number of People with Mental Illnesses in Jails”

WHEREAS, counties are called upon to provide treatment services in local jails to an estimated two million people each year in the U.S. that are diagnosed with serious mental illnesses; and,

WHEREAS, the prevalence rates of serious mental illnesses is three to six times higher in jails than for the general public; and,

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails also have some form of substance use disorder; and,

WHEREAS, adults with mental illnesses tend to stay longer in jail and, upon release, are at a higher risk of recidivism than persons without these disorders; and,

WHEREAS, on average, county jails spend two to three times more on adults with mental illness that require intervention than those inmates without treatment needs; and,

WHEREAS, without appropriate treatment and services, persons with mental illness continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals and their families; and,

WHEREAS, Rockingham County works diligently to protect and enhance the health, safety and welfare of residents in an efficient and cost-effective manner; and,

WHEREAS, Rockingham County and the City of Harrisonburg collaborated to establish Crisis Intervention Team Training, and more recently the Crisis Intervention Team Assessment Center with the regional medical center to divert persons from entering the criminal justice system by providing education for responders, and case specific assessment and treatment; and

WHEREAS, through the *Stepping Up* initiative, the National Association of Counties, The Council of State Governments Justice Center, and the American Psychiatric Association Foundation encourage public, private, and nonprofit partners to help ensure that only those persons with mental illness, who have committed offenses that appropriately require incarceration, are in jail, and that those persons in jail receive the necessary treatment on a case specific basis.

NOW, THEREFORE, LET IT BE RESOLVED, that the Rockingham County Board of Supervisors endorses the *Stepping Up* initiative and commits to sharing best practices with other localities in the Commonwealth and across the country; and,

BE IT FURTHER RESOLVED that Rockingham County working with the City of Harrisonburg will utilize the comprehensive resources available through *Stepping Up* to:

- Seek the assistance of a diverse team from multiple agencies to safely reduce the number of persons with mental illnesses that are held in the local jail; and,
- Collect and evaluate medical data pertaining to adults entering jails to better determine those with mental illness, and project the risk of recidivism, and use that baseline information to guide decision making at the system, program, and case levels; and,
- Examine treatment and service capacity to determine which programs and services are available within the community for persons with mental illness and substance use disorders, and identify state and local policy and funding barriers to minimizing contact with the justice system, and to providing treatment and support in the community; and,
- Develop a plan with measurable outcomes to enable policy makers to evaluate the program within the jail using data from the local and regional jail; and,
- Create a process to track the outcomes using data and information systems, and to report on results.

FIRE AND RESCUE CHIEF'S STAFF REPORT.

The Board received and reviewed Chief Holloway's staff report dated January 2016.

Chief Holloway pointed out several pictures in his staff report from a training drill held in December. He explained that MillerCoors had a residence in need of more repair than it was worth and asked the County to assist with a training evolution. Chief Holloway reported that twenty-five staff members assisted with the drill and he explained how beneficial the drill was for three separate agencies.

He reported that the Timberville Fire Department elected to fall under the County's Emergency Medical Services (EMS) license in order to receive assistance with their paperwork.

Additionally, he reported that the state has started requiring specific lettering on emergency vehicles, which can become costly. He indicated he may look to the Board in the future for new legislation regarding the lettering requirements in order to save the County and taxpayers money.

In response to a question from Administrator Paxton, Chief Holloway indicated the SAFER grant might not be offered again, which is a major concern. Chairman Kyger requested information on the SAFER grant as it relates to the budget.

Chief Holloway reported that the Fire Act grant has been submitted.

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COMMITTEE REPORTS.

The Board heard committee reports from Board members and staff.

CHAMBER OF COMMERCE

Supervisor Chandler reported that the 100th Anniversary Banquet was a huge success.

COMMUNITY CRIMINAL JUSTICE BOARD

Administrator Paxton reported that the day reporting system contract has been forwarded to Gemeinschaft. He stated that the County began using the service and currently has two individuals participating in the program.

FINANCE

On behalf of the Finance Committee, on motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board approved the following supplemental appropriations:

1. Clerk of the Circuit Court

A supplemental appropriation in the amount of \$20,939 for a records preservation grant awarded by the Library of Virginia. Funds will be used to conserve minute books, court minutes, and a chancery order book. No local funding is required.

Supplemental Appropriation: \$20,939

\$20,939	GL Code: 1001-02106-10202-000-503109-000	Other Professional Services
\$20,939	GL Code: 1001-00000-12404-000-324180-000	Records Preservation Grant

2. Transfer to Other Funds

A supplemental appropriation in the amount of \$50,000 for a transfer from the County Capital Projects Fund to the School Capital Projects Fund for a building study involving the schools in the five-year capital plan. Funding will be provided by the County Capital Projects Fund Reserve.

Supplemental Appropriation: \$50,000

\$50,000	GL Code: 1101-09301-00000-000-509513-000	Transfer to School Capital Projects
\$50,000	GL Code: 1101-00000-15201-000-352000-000	County Capital Projects Fund Reserve

3. Transfer to Other Funds

A supplemental appropriation in the amount of \$250,000 for a transfer from the General Fund and the County Capital Projects Fund to the School Capital Projects Fund for the design of renovation projects at John Wayland Elementary (\$100,000), Pleasant Valley Elementary (\$75,000), and Dayton Learning Center (\$75,000). Funding will be provided by the General Fund Reserve and the County Capital Projects Reserve.

Supplemental Appropriation (General Fund):	\$175,820
Supplemental Appropriation (Capital Fund):	\$ 74,180

\$175,820	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
\$175,820	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve
\$74,180	GL Code: 1101-09301-00000-000-509513-000	Transfer To School Capital Projects
\$74,180	GL Code: 1101-00000-15201-000-352000-000	County Capital Projects Fund

4. Contributions

A supplemental appropriation in the amount of \$7,500 for a contribution to the Economic Development Authority (EDA). This contribution will cover the costs of outstanding bills incurred by the EDA along with the statutory per diem fees for the directors. Funding will be provided by the General Fund Reserve.

Supplemental: \$7,500

\$7,500	GL Code: 1001-09103-00000-000-505699-000	Other Contributions
\$7,500	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

5. Transfers

A supplemental appropriation in the amount of \$250,000 for a transfer from the General Fund to the School Capital Projects Fund for an advance funding of the Schools Technology Initiative for the elementary school phase. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$250,000

\$250,000	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
\$250,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

6. Transfers

A supplemental appropriation in the amount of \$520,000 for a transfer from the General Fund to the School Capital Projects Fund for the purchase of six school buses. Funding will be provided by the General Fund Reserve.

Supplemental Appropriation: \$520,000

\$520,000	GL Code: 1001-09301-00000-000-509513-000	Transfer to School Capital Projects
\$520,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve

7. Transfers

A supplemental appropriation in the amount of \$800,000 for both the General Fund and the County Capital Projects Fund. These supplementals will replenish the County Capital Fund Reserve as part of the Rockingham 2020 plan. Funding will be provided by a transfer from the General Fund to the County Capital Projects Fund.

Supplemental Appropriation (General Fund):	\$800,000
Supplemental Appropriation (Capital Projects):	\$800,000

\$800,000	GL Code: 1001-09301-00000-000-509511-000	Transfer to County Capital Projects
\$800,000	GL Code: 1001-00000-15201-000-352000-000	General Fund Reserve
\$800,000	GL Code: 1101-09401-00000-000-508399-000	Miscellaneous Projects
\$800,000	GL Code: 1101-00000-15102-000-351000-000	Transfer from General Fund

School Capital Projects

1. Transfers

A supplemental appropriation in the amount of \$300,000 for a building study involving the schools in the five-year capital plan (\$50,000) and the design of renovation projects at John Wayland Elementary (\$100,000), Pleasant Valley Elementary (\$75,000), and Dayton Learning Center (\$75,000). Funding will be provided by a transfer from the General Fund and the County Capital Projects Fund.

Supplemental Appropriation: \$300,000

\$111,600	GL Code: 2103-66600-00000-209-603106-000	Architectural Services-JWES
\$9,600	GL Code: 2103-66600-00000-211-603106-000	Architectural Services-FRES
\$9,600	GL Code: 2103-66600-00000-212-603106-000	Architectural Services-JCMES

\$84,600	GL Code: 2103-66600-00000-219-603106-000	Architectural Services-Pleasant Valley ES
\$84,600	GL Code: 2103-66500-00000-332-603106-000	Architectural Services-DLC
\$175,820	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund
\$124,180	GL Code: 2103-00000-25101-000-400094-000	Transfer from County Capital Projects Fund

2. Transfers

A supplemental appropriation in the amount of \$250,000 for an advance funding of the Schools Technology Initiative for the elementary school phase. Funding will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$250,000

\$250,000	GL Code: 2103-xxxxxx-xxxxx-xxx-xxxxxxx-xxx	GL code(s) to be determined
\$250,000	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund

3. Transfers

A supplemental appropriation in the amount of \$520,000 for the purchase of six school buses. Funding will be provided by a transfer from the General Fund.

Supplemental Appropriation: \$520,000

\$520,000	GL Code: 2103-63200-00000-924-608105-000	Bus/Vehicle Replacement
\$520,000	GL Code: 2103-00000-25101-000-400090-000	Transfer from General Fund

Administrator Paxton explained that in his opinion, the supplemental appropriation of \$800,000 to begin replenishing the capital fund is key. He stated that an important component of the County's financial plan is that certain things can be paid from cash reserves when appropriate. He pointed out that the County's five-year plan recommended periodically transferring money from the general fund to the capital fund for the specific purpose of using it on unassigned capital projects.

PUBLIC WORKS

Mr. Cuevas read the following:

1. Albert Long Park and Landfill Entrance- Request for Qualification (RFQ) of Firms to Solicit Design-Build.

Staff recommends that the County contract the following projects using the design build process: Albert Long Park site electric, site lighting, field preparation and amendments, field irrigation, and the Landfill Entrance site electric. The Committee concurs and advises that design-build contracts will minimize project risk and shorten the delivery schedule, which will result in a lower cost by overlapping the design phase and construction phase. The first step is to authorize a Request for Qualification to determine the firms qualified to submit bids for the project.

The Committee recommends the Board approve the use of the design-build process for the following projects: Albert Long Park site electric, site lighting, field preparation and amendments, field irrigation, and the Landfill Entrance site electric, and authorize advertising a Request for Qualification to initiate the procurement process.

2. Landfill/Container Sites – Recycling Services Bids

The Recycling Services bids were opened on December 17, 2015. Three bids were received. Staff has reviewed the bids and recommends awarding the bid to Recycle Management, located on South Main Street in Harrisonburg, for \$90 per gross ton, with no trip charge. The next low bidder, Valley Scrap quoted \$82.20 per gross ton, but had an additional trip charge which added \$1,800 per month. In addition, hauling costs for the County to take the waste from the container sites would add \$504 per month. Therefore, it would cost \$2,304 per month in trip fees to use Valley Scrap. The average monthly tonnage being transported by both entities is 29.5 gross tons x \$7.80 bid difference=\$230. The net result is a \$2,074 per month fee to use Valley Scrap. This cost is for the scrap metal, aluminum, cans, and white goods recycling.

This contract consolidates the County recycling services to one contractor to gain the highest revenue for the recycled products. The contract is an annual contract with four one-year renewals.

Plastics will continue to be recycled at Sunoco in Fishersville at no charge. The paper, newspaper, and cardboard continue to be recycled by Valley Paper, the only contractor in the area for this service.

The Committee recommends the Board of Supervisors award the contract to Recycle Management at a fee of \$90 per gross ton, with no trip charge.

3. Landfill Entrance Bid request

The Committee met with SCS and staff to receive an update on the Landfill Entrance relocation and next cell construction project. The entrance project is ready for advertisement on January 19th, with a bid opening of February 9 and a possible start date of March 7, 2016. This work is expected to be completed by the end of 2016. The project includes a new convenience center for County residents, a landfill office for staff, relocated outbound scale, new inbound scale and scale attendant booth, and a relocated wheelwash. The size of the facility will allow for increased growth as the waste flow increases in the future. The cost of the entrance project is approximately \$4,118,000. Staff recommends borrowing \$4 million for this part of the project with a twenty year term. Staff expects that the debt service for this part of the project can be absorbed by the landfill operations at the current rate (\$52 per ton).

SCS is continuing to work with DEQ on the approval of the next cell. SCS estimates approval in March 2016 with construction to begin in October 2016. There is an eighteen month construction period for the cell. Current estimates for this part of the project total \$10.5 million.

The Committee recommends the Board of Supervisors authorize soliciting bids for the Landfill Entrance relocation project and direct staff to move forward with an application to the Virginia Resources Authority for up to a \$4 million loan for the entrance project.

On behalf of the Public Works Committee, on motion by Supervisor Cuevas seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board:

1. Authorized the use of the design-build process for the following projects: Albert Long Park site electric, site lighting, field preparation and amendments, field irrigation, and the Landfill Entrance site electric, and authorized advertising a Request for Qualification to initiate the procurement process;
2. Awarded the Landfill/Container Sites – Recycling Services contract to Recycle Management at a fee of \$90 per gross ton, with no trip charge; and,
3. Authorized staff to solicit bids for the Landfill Entrance relocation project and move forward with an application to the Virginia Resources Authority for up to a \$4 million loan for the entrance project.

SHENANDOAH VALLEY PARTNERSHIP (SVP)

Assistant County Administrator Anas reported that he recently traveled to Richmond to meet with members of the Virginia Economic Development Authority, the

Deputy Secretary of Agriculture and Forestry, as well as representatives from the Virginia Port Authority.

VIRGINIA ASSOCIATION OF COUNTIES (VACo) LIAISON

Chairman Kyger reminded the Board that the NACo Legislative Conference is February 20-24, 2016 and the VACo Government Day is February 11, 2016. He also mentioned that a representative from the County would need to attend the rural caucus meeting on February 10th.

OTHER

Related to the SPCA study, Administrator Paxton conveyed that at the request of the consultant, no City or County Government Officials or SPCA Board of Directors or staff members will be present at the Town Hall meeting. He pointed out that City and County Officials and the SPCA Board and staff will meet with the consultant separately.

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RECESS.

At 5:02 p.m., Chairman Kyger declared the meeting recessed for dinner.

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PUBLIC HEARING – RESERVOIR STREET CONDEMNATION.

Before opening the public hearing, Chairman Kyger informed the public that Supervisor Breeden's absence is due to a gravely ill family member, noting the importance that he be with his family during this difficult time.

At 6:00 p.m. Chairman Kyger opened the public hearing and read the following:

Notice is hereby given that the Board of Supervisors of Rockingham County, Virginia will hold a public hearing pursuant to Sections 15.2-1903, 15.2-1904 and 15.2-1905 of the Code of Virginia, 1950, as amended, for the consideration of passage of a resolution of its intent to enter and take prior to, during or after condemnation proceedings, fee simple, temporary and permanent easement interests in real estate for the improvement, widening, construction, installation, maintenance, replacement and repair of Reservoir Street and associated drainage,

and relocation of utilities in the vicinity of Reservoir Street, on or across the property of:

- Mary Madalene Lambert, life tenant, Rockingham County Tax Map Parcel 125-A-160;
- Garland Lambert, remainderman, Rockingham County Tax Map Parcel 125-A-160;
- David Wayne Lambert, remainderman, Rockingham County Tax Map Parcel 125-A-160;
- Cathy Lambert Davis, remainderman Rockingham County Tax Map Parcel 125-A-160;
- Ronnie M. Sours and Carolyn Sue Sours, Rockingham County Tax Map Parcel 125-A-161A; and
- Ronnie M. Sours, Rockingham County Tax Map Parcel 125-A-161.

County Attorney Miller briefly reviewed a draft resolution related to the above properties affected by the widening of Reservoir Street. He explained that the County went through the process of having the properties appraised and made offers. To date, all offers were accepted, signed and returned with the exception of Mary Madalene Lambert, Life Tenant, Garland Lambert, Remainderman, and Ronnie M. Sours and Carolyn Sue Sours. County Attorney Miller explained that in order to move forward with the project, the County must receive approval or authorize the resolution for condemnation. He noted that the life tenant suffers from health issues causing her signature to be questionable. The property of Garland Lambert consists of 7,000 square feet for a temporary easement interest and the property of Ronnie and Carolyn Sours involves 15,000 square feet for fee simple interest.

Ricky Shoemaker advised that he is one of the landowners of the Lambert property. He indicated a letter was sent to landowners on May 23, 2014, but he did not receive a copy. He said if he had received the letter or more information, the family would have been more likely to sign the offers.

Ronnie Sours was present. He stated that he and his wife are not opposed to the project, but have concerns. Mr. Sours indicated that he lives on Port Republic Road across from Sentara RMH, owning about 80 acres of land on Reservoir Street. His land is zoned agricultural, requiring the use of large farm equipment, trailers and trucks. Mr. Sours indicated the proposed design of the project places a solid raised median across the entire frontage of his property, hindering access. He indicated he was told that access to his property would require U-turns. Mr. Sours expressed concern regarding the safety of U-turns and questioned whether emergency vehicles would have access to his property. He invited the Board to visit his property to understand his concerns. Mr. Sours stated that he is willing to work out a solution acceptable for everyone.

Chairman Kyger closed the public hearing at 6:13 p.m.

County Attorney Miller informed Mr. Shoemaker that all family members signed and returned offers with the exception of life tenant, Mary Lambert.

Discussion ensued, followed by Chairman Kyger's request that the resolution be tabled to allow time for staff to meet with Mr. Shoemaker and Mr. Sours. He suggested the matter be brought before the Board at the January 27, 2016 Board meeting.

On motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN – ABSENT; CHANDLER – AYE; CUEVAS – AYE; EBERLY – AYE; KYGER – AYE; the Board tabled the passage of a resolution approving condemnation of fee simple and temporary and permanent easements across property owned by Mary Madaline Lambert, Life Tenant; David Wayne Lambert, Remainderman; Ronnie M. Sours and Carolyn Sue Sours; and Ronnie M. Sours.

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PUBLIC HEARING - SPECIAL-USE PERMIT.

At 6:30 p.m., Chairman Kyger opened the public hearing and Ms. Stultz reviewed the following special-use permit:

SUP15-308 Jeremy W. and Connie Long, 6631 Spring Creek Road, Bridgewater 22812 for a 55' x 90' addition to a public garage on property located on the southeast side of Lady Bug Road (Route 749) approximately 4/10 mile northeast of Community Center Road (Route 730), Election District #4, zoned A2-C, Tax Map #120-(A)-2A. Property address: 9025 Lady Bug Road.

The applicants were present. Mr. Long indicated he needs the additional space to accommodate the larger vehicles and emergency apparatus on which he works.

No one spoke in opposition to the request.

Chairman Kyger closed the public hearing at 6:35 p.m.

On behalf of Chairman Kyger, on motion by Supervisor Cuevas seconded by Supervisor Chandler and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board, with the following conditions, approved SUP15-308 Jeremy W. and Connie Long, 6631 Spring Creek Road, Bridgewater 22812 for a 55' x 90' addition to a public garage on property located on the southeast side of Lady Bug Road (Route 749) approximately 4/10 mile northeast of Community Center Road (Route 730), Election District #4, zoned A2-C, Tax Map #120-(A)-2A. Property address: 9025 Lady Bug Road.

Conditions:

1. Addition shall be located in substantial accordance to plot plan submitted with the application.
2. Addition shall comply with the Statewide Building Code and the proper permits shall be obtained.
3. As required by the Health Department, there shall be a 10' minimum separation distance from existing septic tank and conveyance line to the building addition.
4. There shall be no more than four employees associated with this business.
5. There shall be no accumulation of junk, trash, and debris allowed on the property, and there shall be no junked vehicles allowed to accumulate on the property.
6. All work shall be done inside of the building.
7. There shall be no more than six vehicles either awaiting repair or waiting to be picked up following repair allowed outside the building at any one time.
8. Hours of operation shall be limited to 6 a.m. to 9 p.m.
9. An updated site plan shall be submitted to and approved by the County prior to any construction of the building addition.

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PUBLIC HEARING – REZONINGS.

Chairman Kyger reopened the public hearing at 6:36p.m. and Senior Planner May reviewed the following rezoning request:

- REZ15-280 Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Route 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.

Dean Weaver was present to represent Greenport Group, LLC. He explained that the homes are considered easy-living qualified, to meet the needs of an older population. He noted that the homes are of great quality and will be maintained by a Homeowner's Association. In response to a question, Mr. Weaver stated that the homes are roughly 1,400 square feet.

Larion Hostetler was present to represent the owners of two adjoining properties. Mr. Hostetler indicated there was a road added to the master plan, abutting the property line of Twin Gables. He explained that the road is a concern, as it will carry most of the traffic in that area. He stated that he had conversations with Mr. Weaver regarding additional proffers involving fences, the removal of trees, and re-seeding. He requested that the additional proffers be added to the request before approval is granted.

In response to a question, Ms. Cooper advised that proffers can be added as long as they are more restrictive.

Chairman Kyger closed the public hearing at 6:51 p.m. to vote on the request.

With the addition of several written proffers, Supervisor Chandler motioned for approval of REZ15-280.

Seconded by Supervisor Eberly and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved REZ15-280 Greenport Group, LLC, P.O. Box 1076 Harrisonburg, VA 22803, to amend 2.25 acres of the Greenport Subdivision Master Plan, parcels 125G-(A)- L133B, 125G-(10)- L1, and 125G-(14)- LA; and to rezone parcel TM# 125G-(A)- L133A, totaling 0.49 acre, from Medium Density Residential District (R-2) to Planned Neighborhood District (R-5) and to add it to the Greenport Subdivision Master Plan. Greenport is located north of Albert Long Drive (Route 800) approximately 0.25 mile southwest of Reservoir Street. The Comprehensive Plan identifies this area as Mixed Use Center and Community Residential. The parcel lies in Election District 3.

(The proffers are attached to and made a part of these minutes)

At 6:53 p.m. Chairman Kyger opened the public hearing and Senior Planner May reviewed the following request:

REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)-L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route

689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

Dr. John Kidd, President of the Lakeview Golf Course, was present to speak on behalf of the golf course. He explained that the golf course has operated 36 holes for about 12 years. The level of play has dropped from 65,000 rounds to 35,000 rounds since the opening of two additional golf courses in the community. As the golf course can no longer financially maintain 36 holes, the goal is to sell nine holes. He explained that Lakeview staff has worked diligently for two years to find a solution and has met with several groups in the community from Crossroads and Massanetta Springs. Dr. Kidd indicated Lakeview Golf Course and the potential buyer of the nine holes are open to additional proffers.

Asa Taylor stated that he is affected directly by the proposal. He recognized that the golf course is a great asset to the community and indicated he understands the issues the golf course is facing. His concern is whether the negotiations discussed will be written and enforceable. Mr. Taylor requested an additional thirty days to continue negotiations.

Catherine Rittenhouse, Daniel Hostetter, and Steve Owen each expressed their own concerns related to traffic volume, appearance, and the rapid growth rate in the area.

David Harrison, a resident of Lakeview Drive also requested additional time in order to be part of the discussions and negotiations.

Phil Wishon, a resident of Crossroads Farms, indicated he is willing to work with the golf course and requested a thirty-day grace period to provide additional time for discussion.

At 7:28 p.m. Chairman Kyger closed the public hearing.

Supervisor Chandler expressed appreciation for the time and patience of everyone involved. He acknowledged concerns and indicated his intent to table the request in order to provide additional time for further discussions. He suggested bringing the rezoning request back to the Board at the February 10, 2016 Board meeting.

On motion by Supervisor Chandler seconded by Supervisor Cuevas and carried by a vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board tabled REZ15-281 Lakeview Development Corporation, 4101 Shen Lake Drive, Harrisonburg VA 22801, to rezone a portion of TM# 126-(A)- L43A, totaling 10.33 acres, located north of Lakeview Drive (Route 1025) approximately 0.25 mile north of Shen Lake Drive (Route 689), from General Agricultural District (A-2) to Medium Density Residential District with

Conditions (R-2C). The Comprehensive Plan identifies this area as Community Residential. The parcel is located in Election District 3.

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RECESS.

Chairman Kyger recessed the meeting at 7:31 p.m. to allow those present for the rezoning requests to exit the room.

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PUBLIC HEARING – ORDINANCE AMENDMENTS.

At 7:36 p.m. Chairman Kyger opened the public hearing and Senior Planner May reviewed the following agricultural and forestal district amendments:

AFP15-297 Rockingham County to amend the total acreage of the Spring Creek Agricultural and Forestal District, consisting of seventy-eight (78) parcels, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, totaling three thousand twenty-seven (3,027) acres, more or less. Spring Creek Agricultural and Forestal District is located Election district 4 and 2.

AFP15-298 Rockingham County to amend the Western Rockingham Agricultural and Forestal District consisting of one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. The amendment reinstates the description of the district that had been deleted in error. The Western Rockingham Agricultural and Forestal District lies in Election Districts 2 and 4.

Code Compliance Officer, Kelly Getz, reviewed the following ordinance amendments:

OA15-287 Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Article 2, Definitions, Animal Husbandry: after "The production of livestock or poultry," add "such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses, and hogs."

OA15-288 Amendment to the Rockingham County Zoning Ordinance (Chapter 17), Table 17-606, Land Use and Zoning Table, and to add "Animal Domestic" to the land use table as a permitted use (P) in A-1 and A-2, and in the RV, RR-1, and PG as a special use (SU*) with supplemental standards. Remove "Agriculture" as a permitted use in RV, RR-1, and PG.

OA15-289 Amendment to the Rockingham County Code, Zoning Ordinance (Chapter 17), 17-607 Supplemental Standards for Certain Land Uses under "Animal, Domestic" add "In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four (4) animal units except that there shall be no more than five (5) birds or fowl per lot."

At 7:50 p.m. Chairman Kyger closed the public hearing for the purpose of voting on the proposed ordinance amendments.

On motion by Supervisor Eberly seconded by Supervisor Chandler and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following agricultural and forestal ordinance amendments:

**ORDINANCE REPEALING AND
RE-ENACTING SECTION 17-509.02.
OF THE CODE OF ORDINANCES
OF ROCKINGHAM COUNTY,**

VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-509.02. Description of the Spring Creek Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

17-509.02. Description.

The Spring Creek Agricultural and Forestal District shall consist of the following land: seventy-eight (78) parcels spanning three thousand twenty-seven (3,027) acres, more or less, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, which includes the parcels, shown on the county real estate maps, as of the effective date of this district, numbered as:

104-(A)- L88, 104-(A)- L121, 104-(A)- L126, 104-(A)- L129, 105-(A)- L88, 105-(A)- L91A, 105-(A)- L103, 105-(A)- L111, 105-(A)- L111B, 105-(A)- L113, 105-(A)- L181B, 105-(A)- L189C, 105-(A)- L189D, 120-(1)- L1, 120-(1)- L1B, 120-(1)- L2, 120-(1)- L3, 120-(1)- L3A, 120-(1)- L4, 120-(A)- L59, 120-(A)- L65, 120-(A)- L69, 121-(1)- L1, 121-(1)- L2, 121-(A)- L1, 121-(A)- L1A, 121-(A)- L2, 121-(A)- L4, 121-(A)- L5, 121-(A)- L9, 121-(A)- L15, 121-(A)- L24, 121-(A)- L24A, 121-(A)- L24B, 121-(A)- L32, 121-(A)- L36, 121-(A)- L36A, 121-(A)- L38H, 121-(A)- L39A, 121-(A)- L39A1, 121-(A)- L40, 121-(A)- L41, 121-(A)- L42, 121-(A)- L43A, 121-(A)- L45, 121-(A)- L50A, 121-(A)- L52, 121-(A)- L54B, 121-(A)- L61A, 121-(A)- L66A, 121-(A)- L70, 121-(A)- L71, 121-(A)- L73, 121-(A)- L74, 121-(A)- L75, 121-(A)- L75B, 121-(A)- L76A, 121-(A)- L77, 121-(A)- L84, 121-(A)- L84A, 121-(A)- L84D, 121-(A)- L85, 121-(A)- L85A, 121-(A)- L96, 121A-(1)- L12, 122-(A)- L3, 122-(A)- L4, 122-(A)- L11A, 122-(A)- L20A, 122-(A)- L21, 122-(A)- L25A, 122-(A)- L26, 122-(A)- L26A, 122-(A)- L27, 122-(A)- L29, 135-(A)- L1, 135-(A)- L2, and 135-(A)- L20.

This ordinance shall be effective from the 13th day of January, 2016.

**ORDINANCE REPEALING AND
RE-ENACTING SECTION 17-510.02.**

OF THE CODE OF ORDINANCES

OF ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-510.02. Western Rockingham Agricultural and Forestal District be and hereby is repealed and re-enacted as follows:

17-510.02. Description.

The Western Rockingham Agricultural and Forestal District shall consist of the following land: one hundred fifty-two (152) parcels spanning six thousand twenty-five (6,025) acres generally bounded on the south by Rawley Pike (Rt. 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Road and north of Chrisman Road. In the east, the district extends to Fort Lynne Road. In the west, the district extends to Whitmore Shop Road. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as:

61-(2)- L3, 61-(A)- L34, 61-(A)- L56, 76-(2)- L1, 76-(2)- L2, 76-(3)- L9, 76-(A)- L37, 76-(A)- L38A, 76-(A)- L39, 76-(A)- L39A, 76-(A)- L40, 76-(A)- L40A, 76-(A)- L41, 76-(A)- L41B, 76-(A)- L42, 76-(A)- L43, 76-(A)- L45, 76-(A)- L45A, 76-(A)- L47A, 76-(A)- L54, 76-(A)- L57, 76-(A)- L57B, 76-(A)- L57D, 77-(4)- L1, 77-(A)- L1, 77-(A)- L3, 77-(A)- L3A1, 77-(A)- L4A, 77-(A)- L5B, 77-(A)- L5B1, 77-(A)- L13A, 77-(A)- L21, 77-(A)- L21C, 77-(A)- L23B, 77-(A)- L23B3, 77-(A)- L28, 77-(A)- L29, 77-(A)- L36, 77-(A)- L55, 77-(A)- L101, 77-(A)- L101B, 77-(A)- L101B1, 77-(A)- L119, 77-(A)- L119C, 77-(A)- L128, 77-(A)- L129, 77-(A)- L131A, 77-(A)- L132, 78-(A)- L27, 90-(A)- L67, 91-(A)- L4, 91-(A)- L13, 91-(A)- L17, 91-(A)- L18, 91-(A)- L19, 91-(A)- L29, 91-(A)- L39, 91-(A)- L40, 91-(A)- L42, 91-(A)- L47, 91-(A)- L47A, 91-(A)- L48, 91-(A)- L48A, 91-(A)- L48A1, 91-(A)- L49A, 91-(A)- L61, 91-(A)- L121A, 91-(A)- L129, 91-(A)- L131, 91-(A)- L131A, 91-(A)- L132, 91-(A)- L132B, 91-(A)- L134, 91-(A)- L135, 91-(A)- L139, 91-(A)- L139A, 91-(A)- L154A, 91-(A)- L158, 91-(A)- L178, 91-(A)- L179, 91-(A)- L184B, 91-(A)- L194, 91-(A)- L194A, 91-(A)- L210, 91-(A)- L211, 91-(A)- L212, 92-(2)- L1, 92-(2)- L2, 92-(2)- L4, 92-(6)- L2, 92-(9)- L3, 92-(9)- L4A1, 92-(9)- L4B, 92-(A)- L4, 92-(A)- L34, 92-(A)- L43, 92-(A)- L47, 92-(A)- L55, 92-(A)- L63, 92-(A)- L64, 92-(A)- L70, 92-(A)- L75A, 92-(A)- L82, 92-(A)- L84, 92-(A)- L85, 92-(A)- L91, 92-(A)- L103, 92-(A)- L112, 92-(A)- L112A, 92-(A)- L113, 92-(A)- L114, 92-(A)- L115, 92-(A)- L116, 92-(A)- L117, 92-(A)- L118, 92-(A)- L119, 92-(A)- L124, 92-(A)- L125, 92-(A)- L142, 92-(A)- L144A, 92-(A)- L144A2, 92-(A)- L148, 92-(A)- L149, 92-(A)- L154, 92-(A)- L154A, 92-(A)- L165, 92-(A)- L170, 92-(A)- L171, 92-(A)- L174, 93-(A)- L1, 93-

(A)- L2, 93-(A)- L2B, 93-(A)- L3, 93-(A)- L4, 93-(A)- L4B, 93-(A)- L10, 93-(A)- L11A5, 93-(A)- L17, 93-(A)- L17B, 93-(A)- L23, 93-(A)- L45, 93A-(4)- L9, 93A-(5)- L6, 93A-(5)- L7, 93A-(5)- L9, 93A-(5)- L10, 93A-(5)- L11, 93A-(6)- L5, 107-(A)- L51A, 107-(A)- L52, and 108-(A)- L20.

This ordinance shall be effective from the 13th day of January, 2016.

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On motion by Supervisor Chandler seconded by Supervisor Eberly and carried by a roll call vote of 4 to 0, voting recorded as follows: BREEDEN - ABSENT; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board approved the following ordinance amendments:

**ORDINANCE
REPEALING AND RE-ENACTING
CERTAIN DEFINITION IN
SECTION 17-201
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-201, Definitions generally, be amended by repealing and re-enacting the following definition:

Animal husbandry. The production of livestock or poultry such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses and hogs. This may include animals in dairy operations but does not include animals in commercial stables, poultry facilities, animal hospitals, animal shelters, dog kennels, fur farms, livestock sales pavilions, hog operations, or game farms.

This ordinance shall be effective from the 13th day of January, 2016.

**ORDINANCE AMENDING
TABLE 17-606
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Table 17-606 Land Use and Zoning Table be and hereby is amended as follows (in alphabetical order):

ADD Animal domestic (listed under Agricultural Uses) as a permitted use (P) in the A-1 and A-2 districts.

ADD Animal domestic (listed under Agricultural Uses) as a special use (SU*) in the RV, RR-1 and PG districts.

REMOVE Agriculture (listed under Agricultural Uses) as a permitted use (P) in the RR-1 and PG district.

This ordinance shall be effective from the 13th day of January, 2016.

**ORDINANCE ADDING A
NEW LAND USE
AND
REPEALING AND RE-ENACTING
A LAND USE TO**

**SECTION 17-607. SUPPLEMENTAL STANDARDS
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the following new land use be added, alphabetically, to Section 17-607. Supplemental Standards:

Section 17-607. Supplemental Standards

Animal Domestic

- (a) In the RV, RR-1 and PG zoning district, animal, domestic shall be limited to personal use or casual sales only, limited to one (1) animal unit per acre, not to exceed four animal units except that there shall be no more than five (5) birds or fowl per lot.

That the following land use in Section 17-607 be and hereby is repealed and re-enacted as follows:

Section 17-607. Supplemental Standards

Agriculture

- (a) In the PMR zoning district, agriculture shall be limited to horticulture.

This ordinance shall be effective from the 13th day of January, 2016.

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RECESS.

Chairman Kyger recessed the meeting at 7:52 p.m. to a date to be determined.

DRAFT

January 20, 2016

The Recessed Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 20, 2016 at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
FREDERICK E. EBERLY, Election District #2
RICKY L. CHANDLER, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
THOMAS H. MILLER, JR., County Attorney
STEPHEN G. KING, Deputy County Administrator
GEORGE K. ANAS, II, Assistant County Administrator

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CALL TO ORDER.

Chairman Kyger called the meeting to order at 6:16 p.m.

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CLOSED MEETING.

On motion by Supervisor Eberly, seconded by Supervisor Chandler and carried by a vote of 5 to 0, voting recorded as follows: BREEDEN - AYE; CHANDLER - AYE; CUEVAS - AYE; EBERLY - AYE; KYGER - AYE; the Board recessed the meeting from 6:17 p.m. to 6:42 p.m. for a closed meeting pursuant to 2.2-3711.A, (1), Discussion of the assignment, promotion, demotion, performance, salary, discipline or resignation of a specific officer, appointee or employee.

MOTION: SUPERVISOR CHANDLER
SECOND: SUPERVISOR KYGER

RESOLUTION NO: 16-1
MEETING DATE: JANUARY 20, 2016

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: BREEDEN, CHANDLER, CUEVAS, EBERLY, KYGER

NAYS: NONE

ABSENT: NONE

ooooOoooo

ADJOURN.

Chairman Kyger declared the meeting adjourned at 6:43 p.m.

_____,
Chairman



We work with the people who work the land.

Shenandoah Valley Soil & Water Conservation District

1934 Deyerle Avenue, Suite B • Harrisonburg, VA 22801

Phone: (540) 433-2853 • Fax (540) 433-9998

www.svswcd.org

Water Quality Improvement Fund Request for Applications: Rockingham County Septic Program

The Department of Environmental Quality (DEQ) released a Request for Application (RFA) through the State Water Quality Improvement Fund (WQIF) to address various non-point sources of pollution at the local level. One of the non-point sources identified in the RFA addresses failing onsite sewage disposal systems. The Shenandoah Valley Soil & Water Conservation District (SVSWCD) plans to apply for grant funding to establish a Rockingham County septic program to address the pollutants resulting from failing septic systems throughout the county. The SVSWCD is well positioned to administer these grant funds, as a result of our 14 year history of administering a septic financial assistance program for septic pumpouts, repairs, and replacements of existing systems in targeted watershed to improve local water quality.

The SVSWCD is seeking support from Rockingham County for this grant application and is requesting \$40,000 for personnel, travel and supply costs. The grant will provide 50% of these essential funds and the SVSWCD requires Rockingham County's financial contribution.

Background

- Septic system failures are known to be a contributing factor to water quality impairments.
 - Virginia Department of Health (VDH) has indicated that systems installed in the 1960's and 1970's are failing due to component deterioration
 - In the past 5 years 121 VDH Repair Permits have been received in Rockingham County (average 24 permits annually)
 - The SVSWCD has a long history of implementing a septic program
 - 810 projects; resulting in 1.3 million dollars of economic return

Grant Details:

- 2 year grant: 7/2016 - 6/2018
- Grant program designed to support and encourage septic repairs and replacements Pumpouts would be used as a tool to find and encourage septic system inspections and repairs
- The septic program would be open to all county residents; income caps not allowable
- Applications would be accepted and ranked based on various factors: proximity to stream/waterbody; watershed location; severity of failure; soil type; number of household occupants; household income; and age of septic system
- Requested grant funding covers:
 - Upon verified project completion, financial assistance is paid out to residents for septic practices (repairs, replacements, and alternative systems)

Proposed Septic BMPs for Rockingham County				
Practice Code	Practice Name	Number	Maximum Cost Share Rate	Total Cost Share
RB-1	Septic Pumpout	125	\$ 150.00	\$ 18,750.00
RB-2	Connection to Public Sewer	5	\$ 4,500.00	\$ 22,500.00
RB-3	Septic Repair	60	\$ 3,500.00	\$210,000.00
RB-4	Septic Replacement	25	\$ 4,000.00	\$100,000.00
RB-4P	Septic Replacement w/ Pump	10	\$ 4,500.00	\$ 45,000.00
RB-5	Alternative System Installation	15	\$ 10,000.00	\$150,000.00
Number of Practices		360	Total	\$546,250.00

Grant Details Continued

- County residents would be responsible for a portion of the cost of the project; financial assistance would be income dependent (using an established sliding scale)
- Matching fund of at least 50% for technical staff to administer the program is required
 - SVSWCD is seeking financial support from Rockingham County for technical assistance to administer the program
 - \$40,000 for the grant period (\$20,000/year); equaling approximately 7.3% of the financial assistance provided to Rockingham County constituents.
 - **Return on Investment: \$1:\$12.66**
- Grant due on 2/15/16; Need commitment from Rockingham County by the end of January

Ultimately, there would be improvements in local water quality as we know that much of the nitrate and bacterial impairment issues are directly linked to malfunctioning septic systems. The \$500,000+ would be additional money routed through the local economy as most of the work is done with local contractors and local suppliers. This septic program could be advertised as a joint program with the county and, based upon the need as indicated by local VDH staff, would be very well received by local constituents.

Current Income Adjustments for Rockingham County Residents

HUD 2015 Rockingham County Median Family Income Adjusted Per Household Size								
	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Median Family Income Adjusted Per Household Size	\$ 43,190.00	\$ 49,360.00	\$ 55,530.00	\$ 61,700.00	\$ 66,636.00	\$ 71,572.00	\$ 76,508.00	\$ 81,444.00
Percent of Median Income	Percent of Cost-Share							
< 40%	75%	<	\$ 17,276.00	\$ 19,744.00	\$ 22,212.00	\$ 24,680.00	\$ 26,654.40	\$ 28,628.80
40 - 60%	70%	<	\$ 25,914.00	\$ 29,616.00	\$ 33,318.00	\$ 37,020.00	\$ 39,981.60	\$ 42,943.20
61 - 80%	60%	<	\$ 34,552.00	\$ 39,488.00	\$ 44,424.00	\$ 49,360.00	\$ 53,308.80	\$ 57,257.60
81 - 100%	50%						\$ 61,206.40	\$ 65,155.20

DEQ Approved Financial Assistance Rates

Systems	Cost	Cost-Share Caps
Septic Tank Pumpout (RB-1)	\$150 - \$300	\$150, all participants
Connection to Sewer (RB-2)	\$3,500 - \$9,000	\$4,500 (50%) \$5,400 (60%) \$6,300 (70%) \$6,750 (75%)
Septic Tank System Repair (RB-3)	\$300 - \$4,000	\$3,500, all participants
Septic Tank System Installation/Replacement (RB-4)	\$3,000 - \$8,000	\$4,000 (50%) \$4,800 (60%) \$5,600 (70%) \$6,000 (75%)
Septic Tank System with Pump (RB-4P)	\$4,500 - \$9,000	\$4,500 (50%) \$5,400 (60%) \$6,300 (70%) \$6,750 (75%)
Alternative Waste Treatment Systems include: Aerobic Treatment Units, Low Pressure Distribution Systems, Drip Distribution Systems, Sand Filters, Elevated Sand Mounds, Constructed Wetlands, Peat Filters, Vault Privies, Incinerator Toilets, Composting Toilets (RB-5)	\$1,500 - \$20,000	\$10,000 (50%) \$12,000 (60%) \$14,000 (70%) \$15,000 (75%)

1. Personnel vacancies

Utilities: no vacancies
Landfill: no vacancies
Refuse & Recycle: no vacancies
Public Works Admin: Construction inspector (Miss Utility)
Facilities Maintenance: no vacancies

2. Utilities.

Pleasant Valley 16" Waterline

Update: 45% of the pipe installed as of 1/25/16. The complete schedule is:

1. Begin Construction 10/19/15
2. Substantial Completion 3/24/16
3. Final Completion 4/24/16

Please see the attached 3Springs Water Treatment Plant 2015 water produced/water sold report.

3. Landfill

SCS Engineers submitted revised plans for the landfill entrance to the City for its approval on January 8, 2016. Staff expects the City's approval by the end of this month. The estimated schedule is below:

1. City plan approval 1/31/16
2. Advertise for bids 1/25/16
3. Bid due date 2/16/16
4. Board approval 2/24/16
5. Notice to Proceed 3/7/16
6. Substantial Completion 12/1/16
7. Final Completion 1/1/17

Please see attached landfill tonnage report for the calendar year 2015 compared to previous years.

4. Recycling & Satellite Sites

Nothing to report.

5. Facilities Maintenance

The following projects are underway:

1. Repair the north and east steps at the Courthouse, similar to the previous west steps project. Contracting Unlimited was awarded the bid, will start after the holidays and has a completion date of 4/15/16. **The handicap ramp has been constructed and demolition is to start pending weather.**

2. Eagle Carpet, Weaver's Floorcovering, Strickler's Carpet, and Einstein Painting, have either completed projects or will start flooring/painting projects in the month of December in the following departments: Commonwealth Attorney, JDR, Health, and the Sheriff. **All complete except the Health Dept which will be completed by the end of January.**

Building & Grounds Committee.

The Building and Grounds committee met on 1/19/16. The committee was updated on the projects that are underway. There was a discussion of the renovation/updating of the Jail visitor and District Courts public elevators, and the impact on operations in those facilities. There was also a discussion of a recommendation for the Board on how to proceed with renovations to the Singers Glen community center; no final decision on a recommendation was determined. All three items are currently funded in the FY16 budget.

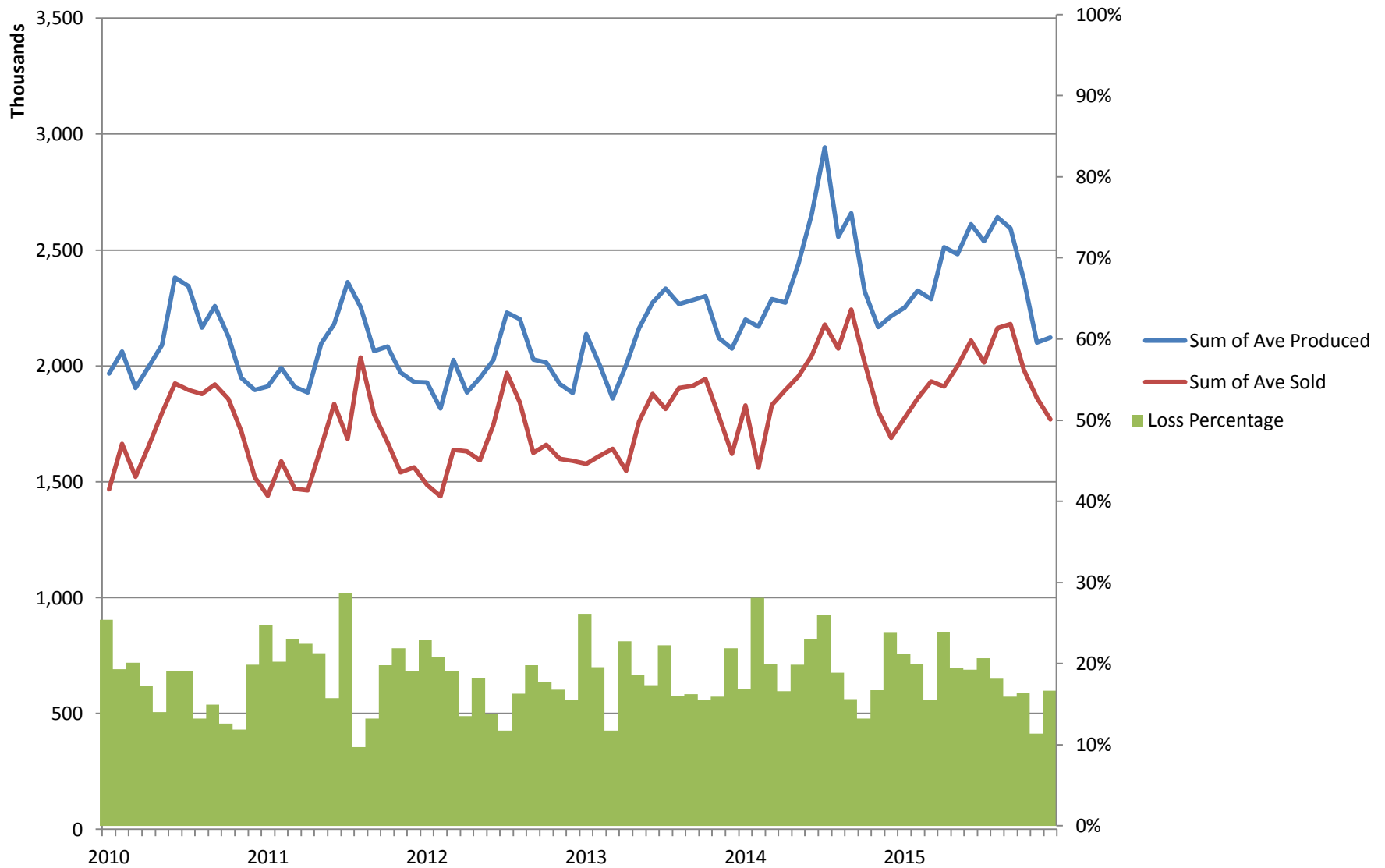
6. Albert Long Park

The Board authorized utilizing the design build process for the procurement of several contracts including site electric, field preparation and amendments, irrigation, and site lighting at the last meeting. An advertisement for firms to submit for qualification (Request For Qualification) was published in the Daily News Record with a due date of 2/2/16.

Respectfully Submitted,
Barry E. Hertzler
Director Public Works

Month	Year	Tonnage (Rounded)	Monthly Tonnage Total Landfilled	
January	2011	5,198	5,198.0270	1
February	2011	5,528	5,528.0690	2
March	2011	8,434	8,434.1270	3
April	2011	8,877	8,876.6360	4
May	2011	7,149	7,149.2260	5
June	2011	7,456	7,455.7870	6
July	2011	7,487	7,486.5110	7
August	2011	7,436	7,435.5980	8
September	2011	7,063	7,062.7130	9
October	2011	7,278	7,277.8730	10
November	2011	7,309	7,308.5870	11
December	2011	6,439	6,439.0060	12
January	2012	7,406	7,406.4825	1
February	2012	6,798	6,798.4300	2
March	2012	8,146	8,145.6540	3
April	2012	8,174	8,173.8900	4
May	2012	9,448	9,447.7200	5
June	2012	8,982	8,982.0450	6
July	2012	10,014	10,014.3900	7
August	2012	10,169	10,168.9750	8
September	2012	8,368	8,368.2650	9
October	2012	9,140	9,140.0450	10
November	2012	8,750	8,750.1100	11
December	2012	7,330	7,330.3390	12
January	2013	7,963	7,962.9950	1
February	2013	7,924	7,924.3650	2
March	2013	8,232	8,232.0100	3
April	2013	10,598	10,598.2000	4
May	2013	10,995	10,995.3050	5
June	2013	9,398	9,397.7550	6
July	2013	10,290	10,289.6800	7
August	2013	10,294	10,294.0100	8
September	2013	8,680	8,680.0900	9
October	2013	8,721	8,721.0300	10
November	2013	7,947	7,947.1100	11
December	2013	7,717	7,716.7600	12
January	2014	7,988	7,988.3400	1
February	2014	7,193	7,192.5600	2
March	2014	8,050	8,049.6300	3
April	2014	9,653	9,652.8900	4
May	2014	10,472	10,472.1300	5
June	2014	10,975	10,974.5300	6
July	2014	14,619	14,618.6300	7
August	2014	11,367	11,366.8700	8
September	2014	10,661	10,661.2700	9
October	2014	10,502	10,502.3000	10
November	2014	8,731	8,730.7000	11
December	2014	10,339	10,339.2400	12
January	2015	9,762	9,761.6400	1
February	2015	8,226	8,225.5000	2
March	2015	10,229	10,229.0800	3
April	2015	12,120	12,119.7200	4
May	2015	10,391	10,390.5200	5
June	2015	10,897	10,896.6700	6
July	2015	10,548	10,547.7600	7
August	2015	10,006	10,006.2100	8
September	2015	9,819	9,818.7900	9
October	2015	10,107	10,107.2400	10
November	2015	8,761	8,760.8400	11
December	2015	9,667		12

Water Produced v Water Sold



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PERSONNEL

AUTHORIZED POSITIONS- 31.5

Filled Positions- 21.0

Department Director (Casey Armstrong)

ADMINISTRATIVE

Administrative Assistant (Amanda Thomas)

PERMIT INTAKE & PROCESSING

Permit Specialist II (Leslie Dodrill)

Permit Specialist I (Kelley Ann Weatherholtz)

BUILDING CODE ENFORCEMENT

Building Official (Joe Shifflett)

Building Plan Reviewer (Jay Carter)

Electrical Inspector (J.N. Riddel)

Electrical Inspector (Terry Derrer)

Inspector (Ricky Davis)

Building Inspector (James E. Campbell)

LAND DEVELOPMENT REVIEW

Development Plan Manager (Peter Kesecker)

PLANNING: SHORT- AND LONG-RANGE

Director of Planning (Rhonda Cooper)

Senior Planner (James May)

ZONING CODE ENFORCEMENT

Zoning Administrator (Diana Stultz)

Deputy Zoning Administrator (Diane Lepkowski)

Code Compliance Officer (Kelly Getz)

GEOGRAPHIC INFORMATION SYSTEMS

GIS Specialist (Mark Rathke)

GIS Technician (Kendrick Smith)

ENVIRONMENTAL SERVICES

Environmental Manager (Lisa Perry)

Environmental Inspector (Adam Hancock)

Environmental Inspector (Blake Barnes)

Vacant Positions- 10.5

Permit Specialist II

Permit Specialist I

Permit Specialist I- Part-time

Deputy Building Official

Building and Plumbing Inspector

Inspector

Plumbing Inspector

GIS Coordinator

Addressing Technician

Planner

Erosion & Sediment Control Administrator

BOARD ACTION REQUESTED

None.

PROJECTS AND REPORTS

PROPOSED VOLUNTARY CONSERVATION EASEMENT ORDINANCE (Rhonda Cooper)

Following a presentation to the Board on January 13, the Board requested staff to provide additional research to them at its February 10 meeting.

A Voluntary Conservation Easement Ordinance, initially drafted by an advisory committee in 2009, has been revised by the Shenandoah Valley Battlefields Foundation (SVBF) for consideration by the Board. The SVBF has encountered a number of opportunities to conserve land in the battlefields, but the conservation of these properties would necessitate the establishment of a local government as a co-holder of the easement. At the request of County staff, in June, John Hutchinson of the SVBF provided an explanation of this need and outlined the differences between the 2009 and 2015 drafts. That information was provided to the Board in the department's January 13 staff report.

PLANNING COMMISSION'S ANNUAL REPORT (Rhonda Cooper)

The 2015 Annual Report was presented to the Planning Commission at its January 5 meeting. The report is attached.

HOUSE BILL 2 TRANSPORTATION PROJECT APPLICATIONS (Rhonda Cooper)

Staff has submitted applications for HB 2 funding of three road projects: Mayland Road (VA 259), South Valley Pike (U.S. 11), and Rawley Pike (U.S. 33). From October through January, projects from across Virginia will be screened and evaluated by the Office of Intermodal Planning and Investment (OIPI), VDOT, and the Department of Rail and Public Transportation (DRPT). In mid-January, the results will be presented to the Commonwealth Transportation Board (CTB) for its approval. Between February and April, the CTB will consider projects for inclusion in the Six Year Improvement Plan (SYIP).

ROCKINGHAM BICYCLE ADVISORY COMMITTEE (RBAC) (Rhonda Cooper)

The next regularly scheduled meeting of the RBAC is February 18. The Committee has received and will comment on the final draft of the Rockingham County Bicycle and Pedestrian Plan. The Planning Commission will receive the final draft after February 18.

MPO & NON-MPO BICYCLE AND PEDESTRIAN PLANS (Rhonda Cooper)

The MPO Subcommittee and Rockingham Bicycle Advisory Committee are in the final review period of the draft Plan. When this review is complete, the MPO TAC will forward the plan to the Policy Board, requesting that the Policy Board release it for public comment on March 21. The MPO and County Bicycle and Pedestrian Plans will be presented at a public meeting. The public meeting will be the citizens' and stakeholders' opportunity to review the draft plans and maps within an open house and formal presentation format.

PORT REPUBLIC RURAL VILLAGE GRANT PROJECT (Rhonda Cooper)

The Shenandoah Valley Network (SVN) and Community Alliance for Preservation (CAP) staff are using the summer and fall months to hold informal meetings with members of The Society of Port Republic Preservationists and other landowners in the Port Republic area to describe the planning process and to publicize upcoming community

planning workshops. In January 2016, SVN and its consultant, Paradigm Design, will hold the first of three community workshops.

The SVN was awarded a Battlefield Protection Grant to study the potential for a Rural Village Overlay District for Port Republic. SVN has contracted with Paradigm Design to work with Port Republic’s village and area landowners to develop the landowners’ vision, then to develop guidelines to preserve special characteristics, and to develop a list of uses compatible with the traditional village and surrounding agriculture and battlefields. The resulting Rural Village Overlay District could become a general model for application in the County’s other rural villages. This grant was awarded by the National Park Service’s American Battlefield Protection Program.

MPO SOUTH REGIONAL CORRIDOR STUDY (Rhonda Cooper)

The ad hoc committee is reviewing revisions to the MPO Route 11 South Regional Study. The MPO Policy Board tabled the original Study on June 21, 2012. The study encompasses part of the County; City; and the Towns of Bridgewater, Dayton, and Mt. Crawford; from Port Republic Road (City) to Dinkel Avenue and from Interstate 81 to Route 42.

SOLAR ENERGY COMMITTEE (Diana Stultz)

The kick-off meeting of the Solar Energy Committee (approved by the Board at the October 14 meeting) was held on Thursday, October, 22. Representatives from Dominion Power, SVEC, JMU, EMU, Hecate Energy, McBride Energy, private individuals Kim Sandum and Chris Bolgiano, and County staff attended.

Staff has worked on a solar energy ordinance, and it was sent to committee members on November 23 for review and comments. After receiving comments, staff reworked the ordinance and sent it out to the committee members for review again on December 28. Comments were received back by January 11. The ordinance is scheduled to go to the Planning Commission for a public hearing on February 2, 2016.

PROJECTS AND REPORTS TABLED BY THE BOARD OF SUPERVISORS

NORTH VALLEY PIKE CORRIDOR STRATEGIC PLAN (Rhonda Cooper)

The Board tabled the North Valley Pike Corridor Strategic Plan (NVP Plan) on December 15, 2010. Staff recommends reworking this Plan as part of the Comprehensive Plan revisions.

PLANNING COMMISSION ACTIONS

At the January 5 meeting, the Commission considered the following items:

REZ15-314	Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.	Approval; to be heard by Board on 1/27
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REZ15-317	Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.	Approval; to be heard by Board on 1/27
OA15-322	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Article 2 (Definition of Terms) to add a definition for agriculturally-related business, not otherwise listed.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-323	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Table 17-606 (Land Use and Zoning Table) to allow agriculturally-related business, not otherwise listed as a special use permit with supplemental standards (SU*) in the A1, A2, & RV zoning districts.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-324	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-607 (Supplemental Standards for Certain Land Uses) to set standards for agriculturally-related business, not otherwise listed.	Tabled; PC requested staff revise limitations on outdoor storage
OA15-325	Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outline in the Rockingham County Fire Prevention Code.	Approval; to be heard by Board on 1/27
OA15-327	Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.	Approval; to be heard by Board on 1/27

The following item has not been scheduled for a Board hearing:

Item	Description	Comments/Recommendations
OA15-188	An amendment to Chapter 17 (Zoning), Article 7, Table 17-702.05 to change parking requirements for Dwelling, duplex and Dwelling, single-family detached to require one space for an efficiency or one bedroom unit.	Forwarded to Board with tie vote; Board hearing TBA

COUNTY-INITIATED AMENDMENTS

1. **Request and Reason:** At the November 18th Board meeting, the Board instructed staff to study and bring back an ordinance for agriculturally related retail businesses on a small scale in the A-1, A-2, and perhaps RV zoning districts. Staff has begun working on a draft ordinance.

Status: The Planning Commission tabled the request at its January 5 hearing, requesting staff to revise the proposed limitations on outdoor storage.

UPCOMING PUBLIC HEARINGS

January 27, 2016

Board of Supervisors

7:00 p.m.

Agricultural & Forestal District

None.

Special Use Permits

None.

Rezoning

REZ15-314 Go-Mart, Inc., 915 Riverside Drive, Gassaway, WV 26624, to rezone TM# 130-(A)- L9B, totaling 2.071 acres, located west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33), zoned General Agricultural District (A-2), to General Business District (B-1). The Comprehensive Plan identifies this area as Mixed Use Center. The property is located in Election District 5.

REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Ordinance Amendments

OA15-325 Amendment to the Rockingham County Code, Chapter 17 (Zoning), Section 17-701.02 (Public Streets) to state that while R-3 apartment complex lots must front on a public street, there may be a private access easement from the public street to the parking lot, and it shall meet the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code.

OA15-327 Amendment to the Rockingham County Code, Chapter 17, Zoning, to remove the term "final plan" and replace with the term "site plan" in Sections 17-400.02(d) Requirements; 404.02(c) Requirements; 405.02(d) Requirements; 702.07 Shared parking; 17-703.01(c) Landscape plan; 703.08(b) Utility easements; 17-1004.10(b)(2) Effect of acceptance: Map references; conformance to existing conditions.

PRIORITY PROJECTS UNDERWAY BY STAFF

Projects	Lead Person	Status	Target Date
North Valley Pike Corridor Strategic Plan	Rhonda	Board tabled on 12/15/10. Plan elements to be addressed during Comprehensive Plan update.	2016
Rockingham Bicycle Advisory Committee (RBAC)	Rhonda	Next meeting is 2/18/16.	Ongoing
Solar Energy Committee	Diana	Kick-off meeting was held on 10/22/15.	1 st quarter - 2016

Ongoing Review/Tasks	Lead Person	Status
Deed Review	Diane	22 deeds in process as of 1/6/15: 5 pending review, 17 awaiting revisions
Violations	Kelly	51 active complaints, 15 cases pending legal action as of 1/5/16
Site Plans & Subdivisions	Pete	8 site plans and 2 subdivisions under review as of 1/6/16
Subdivision Ordinance Variances	Diana	0 requests under review, as of 1/20/16
Zoning Ordinance Variances	Diana	0 requests under review, as of 1/20/16
Zoning Appeals	Diana	0 requests under review, as of 1/20/16
Home Occupation Permits	Diana	0 permit requests under review, as of 1/20/16
Home Business Permits	Diana	0 permit requests under review, as of 1/20/16
Special Use Permits	Diana	2 permit requests under review, as of 1/20/16
Rezoning	Rhonda	3 rezoning requests under review, as of 1/19/16
Comprehensive Plan Amendments	Rhonda	0 request under review, as of 1/19/16
Permits and Fees Processed	Joe	486 total transactions for month of December 2015
Building Inspections	Joe	1004 inspections conducted during December 2015 (averaged 47.81 inspections per day)
Building Plans	Joe	25 Plans under review, as of 1/20/16
Environmental (E&S/Stormwater) Plan Review	Lisa	15 plans under review as of 01/19/16, 10 awaiting permit issuance
Environmental Inspections	Lisa	228 inspections conducted as of 1/19/2016
Addressing Commercial/Residential Structures	Kendrick	23 new structures addressed in December
Naming of New Roads	Kendrick	1 new private lane named in December

REQUESTS TABLED BY BOARD OF SUPERVISORS

SPECIAL USE PERMIT APPLICATION(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2015	Oct 14	15-207	Walter & Cindy Carr	Event Center	2
2015	Dec. 9	15-277	Thomas Schmidt	Motor Vehicle Repair Shop	1

REZONING REQUEST(S) and PLAN(S)					
Year Tabled	Date Tabled	File	Applicant	Request	Election District
2010	Dec 15	NA	North Valley Pike Corridor Strategic Plan	Endorsement of Corridor Strategic Plan for North Valley Pike area from Gravels Road to Vine Street and I-81 to Kratzer Road	2
2015	Sep 23	REZ15-127	Eddie Mozingo	To rezone 2.707 acres from General Residential District (R-3) to Planned Single Family District (PSF)	3
2016	Jan 13	REZ15-281	Lakeview Development Corporation	To rezone a portion of TM# 126-(A)-L43A, totaling 10.33 acres, located north of Lakeview Drive (Rt 1025) approximately 0.25 mile north of Shen Lake Drive (Rt 689), from General Agricultural District (A-2) to Medium Density Residential District with Conditions (R-2C).	3

ORDINANCE AMENDMENTS				
Year Tabled	Date Tabled	File	Applicant	Request

TO: Rhonda Cooper, Rockingham County
FROM: John Hutchinson, Shenandoah Valley Battlefields Foundation (SVBF)
SUBJECT: Conservation Easement Ordinance Request
DATE: 4 June 2015

You asked several questions regarding our request that Rockingham County consider legislation to create a vehicle for it to approve its holding of conservation easements.

A. Please elaborate on:

- 1. The need for a government agency co-holder being required for the battlefield protection grant funding to be accessed, including what grant programs have this requirement.***

The Virginia Land Conservation Foundation (VLCF), a part of the Virginia Department of Conservation and Recreation, requires that the holders of an easement acquired with VLCF funds include a public body, i.e. a locality or agency of state or federal government. VLCF, with \$4 million appropriated in Fiscal Year 2016, is the largest single source of state funds for land conservation. VLCF requires a one-to-one match of its grants by non-state funds.

The largest sources of funding that SVBF has used in recent years is the US Department of Agriculture's Farm and Ranch Land Protection Program (FRPP). FRPP also requires a one-to-one match of its grants by non-federal funds. SVBF currently has a grant of \$850,000 from FRPP for the purchase of the 318-acre Cherry Grove farm at Port Republic, owned by the Harnsberger family. If the county can co-hold a conservation easement on the property we can apply to VLCF to match the FRPP funds. Without a county co-hold, SVBF would have to work with DHR on the project which may not be acceptable to the landowners.

- 2. What problems have arisen when landowners have pursued existing options for establishing conservation easements that warrant the importance of having the county be a co-holder.***

A number of state agencies have programs that promote and hold conservation easements. These include the Virginia Outdoors Foundation (VOF), Virginia Department of Historic Resources (DHR), Virginia Department of Forestry, and Virginia Department of Agriculture.

The vast majority of easements are held by VOF but it has been unwritten state policy since about 2008 that all easements on Civil War battlefields be held by DHR. SVBF co-holds easements on several thousand acres of land with DHR, including a 425-acre property at Port Republic that was placed under easement last year.

DHR has been a great partner for SVBF but increasingly over the last two years some of the terms they require in their easements have become more restrictive and less attractive to landowners. Two Rockingham County landowners have backed out of easement projects because of these more restrictive terms. They have told SVBF they would like to preserve their properties under easement but will not do so with DHR.

B. *Please outline the differences between the citizens' committee's draft and the new, stripped-down draft.*

1. The ordinance drafted by the citizen's committee (CC Draft) would set up a conservation easement program within the county and a system for evaluating easements that would be purchased by the county. Our proposal would simply set up a mechanism for the Board of Supervisors to agree to hold or co-hold donated easements on a case-by-case basis.
2. The CC Draft authorizes the County Administrator to establish a Program Committee with various powers and duties including:
 - promoting the program;
 - establishing and recommending ranking criteria to the Board of Supervisors;
 - ranking applications, and making recommendation to the Board of Supervisors as to which conservation easements should be purchased or accepted by donation;
 - preparing and recommending to the Board of Supervisors minimum terms and conditions for conservation easements to be purchased under the program;
 - annually reviewing the program's regulations, guidelines, administrative procedures and promotion; and
 - identifying, applying for and pursuing grants for the purchase of easements.

Our proposal simply authorizes the County Administrator to promote conservation easements through educational materials and informational meetings and to apply for funds for their purchase.

3. The CC Draft establishes eligibility criteria for easements the county will accept. Our proposal recommends taking the eligibility criteria and ranking criteria out of the ordinance and placing them in a policy statement that can be more easily altered by the Board of Supervisors as it desires.
4. The CC Draft establishes application and evaluation procedures for the program in anticipation of the county having a process for purchasing easements, including detailed:

- application materials to be provided to owner's;
- application form contents;
- procedures for submittal of applications;
- procedures for valuation of easements by program administrator;
- evaluation and ranking of easements by Program Committee;
- evaluation and ranking of easements by Board of Supervisors; and
- reapplication by an owner whose parcel is not selected for acquisition.

Our proposal would establish a procedure for the Board of Supervisors to accept or decline donated easements on a property-specific basis.

5. The CC Draft establishes valuation review committee to determine how much the county should pay for easements. Our proposal would not require this function because all easements would be donated to the county.

C. What will be required of the County, if it were to serve as a co-holder? For example, how much staff time would be required to monitor each easement and what is the financial responsibility?

We recommend that the county and SVBF enter into a separate memorandum of understanding to establish the roles that each party would play in the acquisition and management of each easement. An agreement we entered into with the Town of Strasburg last year is attached as an example. In general we recommend the following terms.

SVBF would

- prepare baseline documentation report for easement properties;
- obtain owner's title insurance policies insuring the title of SVBF and the county pursuant to each easement;
- inspect easement properties at least once annually with regard to compliance with the terms and restrictions of the conservation easements, and provide to the county a copy of SVBF 's monitoring reports specifically identifying any violations or deficiencies noted;

The County would

- provide written notice to SVBF of all zoning, building permit, land disturbance permit, stormwater management, subdivision applications, water and sewer applications, and other similar requests submitted to the county by easement property owners with regard to any work or improvements to easement properties.

Any financial obligation of the county pursuant to a conservation easement would be expressly subject to annual appropriation of funds by the county. If there was a violation of an easement that required legal action, the county could elect to participate in such action or not.

The County and SVBF would agree

- to notify the other in the event that either receives information suggesting any change in ownership or use of easement properties or any actual or threatened violation of a conservation easement;
- to cooperate in the investigation of any violation of a conservation easement and to take appropriate steps to address any violation, provided that either party may act independently in an enforcement action if the parties cannot agree on a common course of action; and
- That neither party could compel the other to take any action in connection with enforcement of a conservation easement, nor could either party compel the other to compensate it for costs of enforcement.

REVISED DRAFT March 25, 2015

**ROCKINGHAM COUNTY VOLUNTARY CONSERVATION EASEMENT
ORDINANCE**

Section A.I-100: Short title.

This Chapter shall be known and may be cited as the Rockingham County Conservation Easement Ordinance.

Section A.I-101: Purpose and Intent.

This Chapter enables Rockingham County to hold conservation easements to further the goals of the County's Comprehensive Plan and to further the following:

1. assisting landowners in the County in protecting and preserving the conservation values of their land, including but not limited to farm and forest lands; open space; scenic vistas; historic sites (including the Cross Keys, New Market, and Port Republic Civil War battlefields); water resources; and other environmentally sensitive lands;
2. preserving the rural character of Rockingham County;
3. promoting a healthy, economically viable agricultural base for the local economy;
4. protecting and enhancing the quality of life for the inhabitants of the County; and
5. promoting tourism through the preservation of scenic resources, historic resources, and the County's agricultural base.
6. assisting in shaping the character and direction of the development of the community.

Section A.I-102: Authority and Applicability.

The Conservation Easement Ordinance is established to enable the County to hold easements under the provisions of the Open Space Land Act, Chapter 17, Title 10.1 (10.1-1700 et. seq.), Code of Virginia and to co-hold easements with private entities under the provisions of the Virginia Conservation Easement Act, Chapter 10.1, Title 10.1 (10.1-1009 et. seq.), Code of Virginia. The Conservation Easement Program shall be available for all lands in Rockingham County, except those lands within the municipal boundaries of any Town or under the ownership or control of the United States of America, the Commonwealth of Virginia, or an agency or instrumentality thereof. Any conservation easement acquired under and this Ordinance shall be voluntarily offered by the owner. No easement acquired under this ordinance shall involve any power of condemnation by any unit of local, state, or federal government.

Section A.I-103: Definitions and construction.

The following definitions shall apply in the interpretation and implementation of this Chapter:

1. Conservation easement. The term “conservation easement” means a non-possessory interest in one or more parcels of real property, whether the easement is appurtenant or in gross, which is voluntarily offered by an owner and acquired by purchase and/or gift, and which imposes limitations and affirmative obligations for the purposes of retaining or protecting conservation values of the real property, assuring its availability for agricultural, forestal, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historic, architectural or archaeological aspects of the real property.
2. Owner. The term “owner” means the owner or owners of fee simple title to real property.
3. Parcel. The term “parcel” means a lot or tract of land, with an assigned Tax Map number, lawfully recorded in the office of the Clerk of the Circuit Court of the County of Rockingham. A conservation easement under the Conservation Easement Program may cover all of a Parcel, more than one Parcel or less than all of a Parcel.

Section A.I-104: Promotion of Conservation Easements.

The County Administrator or his designee shall have the powers to promote Conservation Easements, in cooperation with potential Co-holders, by providing educational materials to the public and conducting informational meetings and to investigate and pursue state, federal, and other programs available to provide public and private resources to fund the use of conservation easements and to maximize private participation in the same.

Section A.I-108: Easement terms and conditions.

- A. Minimum standards. Each conservation easement accepted by the County shall conform to the requirements of the Open-Space Land Act of 1966 (Virginia Code §10.1-1700 et seq.) and shall meet any standards established by the Board of Supervisors. All easements acquired under the program shall be perpetual.
- B. Easement holder. The County may be the sole easement holder, or it may include as co-holders one or more other public bodies, as defined in Open Space Act, Virginia Code §10.1-1700 et seq., as co-holder(s) (including but not limited to the Virginia Outdoors Foundation) and/or one or more charitable corporation, charitable association or charitable trust which is authorized to hold conservation easements under the Virginia Conservation Easement Act, Virginia Code 10.1-1009 et seq..

Rockingham County Voluntary Conservation Easement Criteria
Draft March 26, 2015

Eligibility Criteria.

In order for a property to be eligible for a conservation easement, it must meet the following criteria:

- A. The use of the property subject to the conservation easement must be consistent with the Comprehensive Plan.**
- B. The easement shall be perpetual.**
- C. The proposed terms of the conservation easement must include the following minimum conservation easement terms and conditions pertaining to uses and activities allowed on the property, including, but not limited to, restrictions pertaining to:**
 - 1. the accumulation of trash, junk, and inoperable vehicles;
 - 2. the display of billboards, signs and advertisements;
 - 3. the management of forest resources;
 - 4. grading, blasting or earth removal;
 - 5. the number of new dwellings and the number and size of outbuildings and farm buildings or structures;
 - 6. the number of future subdivisions, if any;
 - 7. the conduct of industrial or commercial activities on the parcel; and
 - 8. monitoring of the easement.
- D. The property shall have some, but not necessarily all, of the characteristics described in the evaluation criteria described below.**

Evaluation Criteria.

A property for which an application has been received shall be evaluated according to the extent to which the property meets the following criteria.

- A. Farm and forest land protection.**
 - 1. The property contains prime farm land as identified by the Rockingham County Soil Survey.
 - 2. The property is currently located within an Agriculture and Forest District.
 - 3. The property has an approved nutrient management plan and/or employs agricultural best management practices as approved by the Shenandoah Soil and Water Conservation District or the Natural Resources Conservation Service.
 - 4. The property is a working family farm where at least one family member's principal occupation and income (more than half) is farming or foresting the parcel or at least one family member produces farm products derived from the parcel.
 - 5. The property is a Century Farm or qualifies as such.
- B. Natural resources protection.**
 - 1. The property fronts on the north or south fork of the Shenandoah River, the North River, or any perennial stream identified by the most recent USGS quad maps or other reliable sources.

2. The property is within a watershed identified as impaired on the Virginia Department of Environmental Quality's Impaired Waters List.
3. The property contains perennial springs or wetlands as identified on the most recent USGS quad maps or other reliable sources.
4. The property is within a sensitive groundwater recharging area as demonstrated by the presence of sinkholes or karst topography.
5. The property is located within the one-hundred-year floodplain.
6. The property is in watershed drinking water source recharge area.

C. Cultural, historical, recreational, and scenic resources.

1. The property is located within the Cross Keys and / or Port Republic Civil War battlefield.
2. The property shares a boundary with property owned or protected by the Shenandoah Valley Battlefields Foundation or other recognized preservation organization.
3. The property is listed on the Virginia Landmarks Register or National Register of Historic Places.
4. The property contains or adjoins a parcel containing an historic structure identified by the Rockingham County Architectural Survey or otherwise documented as being over 100 years old.
5. The property adjoins a designated Virginia scenic highway or byway.

D. Open space protection.

1. The property adjoins the National Forest, or any national, state, or local park or preserve.
2. The property adjoins an existing permanent conservation easement.
3. Acreage (preference for larger properties).

E. Fund leveraging.

4. Nonlocal government funding has been identified to leverage the purchase of the conservation easement.
5. Donation of all or a portion of the easement by the owner shall be considered fund leveraging.

Rockingham County Planning Commission 2015 Annual Report

January 1, 2015 to December 31, 2015

Under Section 15.2-2221.5 of the Code of Virginia, the local planning commission is charged with the duty of making an annual report to the governing body concerning the operation of the commission and the status of planning within the jurisdiction. In compliance with this requirement, the following report reviews the activities of the Rockingham County Planning Commission during 2015.

PLANNING COMMISSION MEMBERS

The members of the Commission are:

Brent Trumbo	Election District 1
Rodney Burkholder	Election District 2
Bill Loomis	Election District 3
David Rees	Election District 4
Steve Pence	Election District 5

On August 26, the Board appointed Bill Loomis to replace Jon Ritenour as the Election District 3 Commissioner, beginning his term on September 3. Mr. Ritenour was appointed by the Board of Supervisors on September 4, 2005, to complete the unexpired term of Bud Long. He was reappointed to serve two full consecutive terms, ending on September 2.

In October, Rod Burkholder replaced Brent Trumbo as chair, and Bill Loomis replaced Rod Burkholder as vice chair.

PLANNING COMMISSION MEETINGS

The Commission held twelve public hearings, one special meeting, one work session, and multiple field trips.

The 2016 regular meeting schedule and inclement weather policy was set on December 1, as follows:

All regular meetings of the Planning Commission will commence at 6:30 p.m. on the first Tuesday of every month, except the November meeting, which falls the day after Election Day:

January 5	July 5
February 2	August 2
March 1	September 6
April 5	October 4
May 3	November 2
June 7	December 6

If a meeting needs to be postponed due to inclement weather or for any reason as determined by the Chairman, or the Vice-Chairman if the Chairman is not available, the meeting will be held the following Tuesday at the same time, unless otherwise determined by the Planning Commission. The postponement will be announced on the County's website and on local radio.

PRIMARY RESPONSIBILITIES

Rezoning Requests

The Commission heard fifteen rezoning requests; one was recommended for denial, thirteen were recommended for approval, and one was withdrawn by the applicant just prior to a recommendation being made by the Commission. A list of the rezoning requests for 2015 is attached.

Ordinance Amendments

Forty-two zoning ordinance amendments were heard in 2015, the Commission recommended thirty-six for approval. Three were forwarded to the Board of Supervisors with tie votes, and three ordinance amendments were withdrawn by staff after being tabled. A list of the 2015 ordinance amendments is attached.

Agricultural and Forestal Districts

Of the forty-two ordinance amendments, eight were amendments to Agricultural and Forestal Districts (AFD).

- In March, the Commission supported the addition of 6.436 acres to the Spring Creek AFD.
- In June, .268 acre was added to Dry River AFD. That same month, to accommodate the acquisition of a .31-acre water well lot by the Town of Dayton, 10.909 acres were withdrawn from the Dry River AFD as permitted by Code of Virginia, and the next month the remaining 10.599 acres were added back to the AFD.
- In July, the Cross Keys North and South AFDs were combined to form the Cross Keys AFD and the district term was renewed for seven years.
- In December, the Commission supported housekeeping amendments to the Spring Creek and Western Rockingham AFDs.

These eight Agricultural and Forestal District ordinance amendments are included in the attached list of 2015 ordinance amendments.

Expansion of Urban Development Area

In September, the Commission supported amending the Comprehensive Plan 2020 and 2050 Conceptual Land Use Maps for the expansion of the Urban Development Area (UDA). The UDA, centered around the intersection of Port Republic Road and Stone Spring Road, was expanded to include the area generally located south of Spotswood Trail (Rt. 33) from the City line to Cross Keys Road (Rt. 276), north and south of Shen Lake Drive, north of Port Republic Road between Oak Ridge Road and Spaders Church Road, and north and south of Port Republic Road west of Spaders Church Road.

DEPARTMENT OF COMMUNITY DEVELOPMENT

Development Activity Report - December 2015

Permits Issued						Fees Collected				
	Dec-15	Dec-14	One Year Change	Jan-Dec 2015	Jan-Dec 2014	Dec-15	Dec-14	One Year Change	Jan-Dec 2015	Jan-Dec 2014
Building										
Commercial/Industrial	11	13	-15.4 %	158	344	\$ 19,622.93	\$ 1,893.24	936.5 %	\$ 241,527.90	\$ 272,575.86
Manufactured	2	8	-75.0 %	40	34	\$ 222.36	\$ 928.97	-76.1 %	\$ 4,319.09	\$ 3,668.64
Single Family	13	16	-18.8 %	330	257	\$ 13,054.78	\$ 18,093.02	-27.8 %	\$ 322,260.25	\$ 261,520.09
Subtotal	26	37		528	635	\$ 32,900.07	\$ 20,915.23		\$ 568,107.24	\$ 537,764.59
Electrical										
	21	16	31.3 %	346	253	\$ 1,139.70	\$ 937.38	21.6 %	\$ 21,553.42	\$ 14,470.99
Subtotal	21	16		346	253	\$ 1,139.70	\$ 937.38		\$ 21,553.42	\$ 14,470.99
Mechanical										
	6	4	50.0 %	56	65	\$ 255.00	\$ 178.50	42.9 %	\$ 3,011.45	\$ 4,406.15
Subtotal	6	4		56	65	\$ 255.00	\$ 178.50		\$ 3,011.45	\$ 4,406.15
Other										
	44	25	76.0 %	610	588	\$ 7,404.78	\$ 4,884.82	51.6 %	\$ 257,038.59	\$ 142,939.33
Subtotal	44	25		610	588	\$ 7,404.78	\$ 4,884.82		\$ 257,038.59	\$ 142,939.33
Land Use Related										
Erosion and Sediment Permit:	1	2	-50.0 %	57	53	\$ 1,610.00	\$ 2,244.00	-28.3 %	\$ 165,760.00	\$ 66,544.00
Subtotal	1	2		57	53	\$ 1,610.00	\$ 2,244.00		\$ 165,760.00	\$ 66,544.00
Total	98	84		1597	1594	\$ 43,309.55	\$ 29,159.93		\$ 1,015,470.70	\$ 766,125.06



Community Development Rezoning Report REZ15-314

Planning Commission
January 5, 2016

Board of Supervisors
January 27, 2016

Applicant	Go-Mart, Inc.
Tax Map Id	130-(A)- L9B
Present Zoning	General Agricultural District (A-2)
Proposed Zoning	General Business District (B-1)
Location	west of Mount Hermon Road (Rt 979) and north of Spotswood Trail (US 33)
Acreage	2.0710
Election District	5
Comprehensive Plan	Mixed Use Center

Staff Recommendation:	Approval December 22, 2015
Planning Commission:	Approval January 5, 2016
Board of Supervisors:	

GENERAL INFORMATION

OVERVIEW / BACKGROUND

This property has long been used for commercial activity. The applicant seeks to add a restaurant.

PROFFERS¹

The applicant has not proffered any conditions to this request.

COMPREHENSIVE PLAN

The Mixed Use Centers must be developed in at least two uses, one of which must be either community or neighborhood retail development or a community or neighborhood park. Other uses permitted include residential-scale offices, townhouses, and multifamily residential buildings. The uses within the center must be integrated through architectural treatments, landscape and streetscape improvements, and connecting streets and sidewalks. Isolation of uses will not be permitted. Mixed Use Centers may be the retail core or “downtown” for a TND (traditional neighborhood development). Mixed Use Centers must be served by public water and sewer systems and are to be connected to the surrounding neighborhood grid of streets. Parking should be located in on-street parallel spaces, and to the sides or rear of buildings.

ZONING AND EXISTING LAND USE

This property has been used for some type of commercial activity for many, many years, and the building on the property is a commercial building. Parking could be the main issue depending on the type of business proposed; other than that, no issues through zoning.

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	General Agriculture District (A-2)	Single-Family Detached
East	Neighborhood Business District (B-2)	Unknown
South	Prime Agriculture District (A-1)	Undeveloped
West	General Agriculture District (A-2)	Dixie Gas & Oil/ The Fireplace Shop

¹ Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County’s zoning ordinance as it pertains to a specific property.

STAFF AND AGENCY ANALYSIS

UTILITIES

Public Works

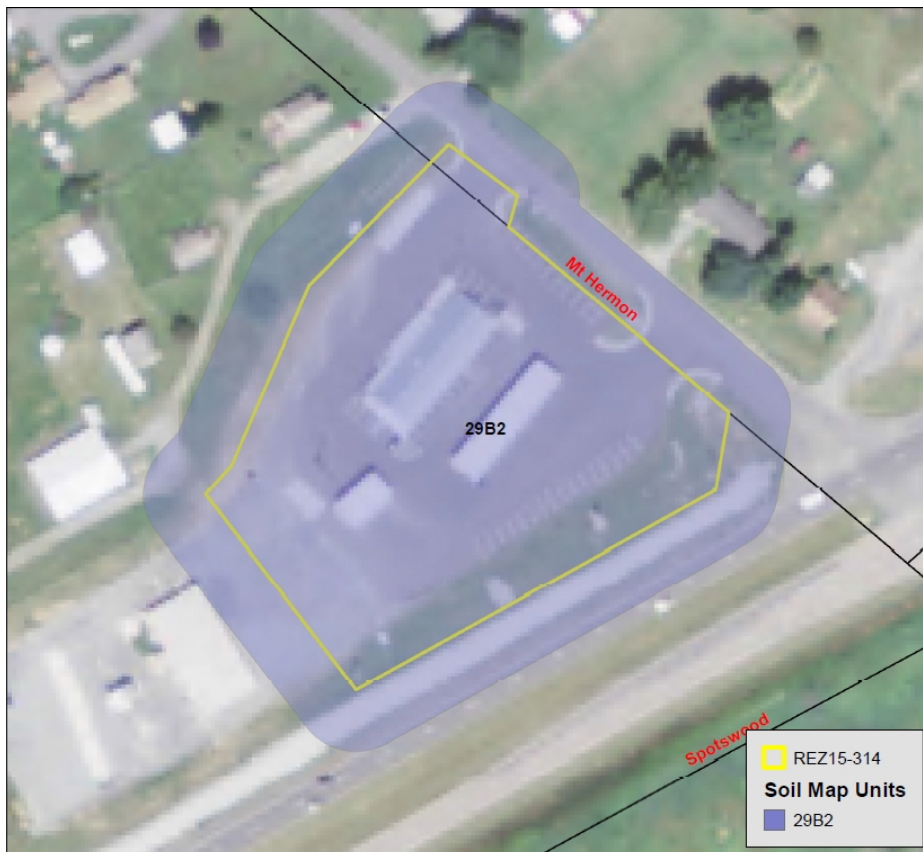
Public Works has no comments. The parcel is served by utilities from the Town of Elkton. The applicant has provided a letter of verification from the Town of Elkton.

Health Department

Applicant will need to obtain a food establishment permit from the local health department for the proposed restaurant.

ENVIRONMENTAL

Soils



29B2 - Slopes are 2 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderately high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Environment

No comment.

PUBLIC FACILITIES

Schools

No comment.

Fire & Rescue

The property is located within the Elkton Volunteer Fire Department and Elkton Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.

Sheriff

No comment.

TRANSPORTATION

Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Spotswood Trail (Route 33)	Principle Arterial	4-Lane Divided Highway	12,000 VPD (2014)	55 MPH
Mt. Hermon Road (Route 829)	Local Road	2-Lane Highway	280 VPD (2006)	Unposted (55 MPH)

* Vehicles Per Day (VPD)

VDOT

The proposed rezoning will not have a significant impact to the highway system. The existing entrance configuration on Route 33 and Mt. Hermon Road is

adequate for the proposed use. It is our understanding from the Pre-Application Meeting that a drive-thru service window could be desired. Should this situation be proposed, VDOT would need to review the layout of the drive-thru service points and traffic bay(s).

SUMMARY

Considerations

- This property has been used for commercial activity for many, many years.
- The Mixed Use Centers must be developed in at least two uses, one of which must be either community or neighborhood retail development or a community or neighborhood park.
- Utilities to be provided by the Town of Elkton.
- The Fire Marshal's Office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency responses.
- The proposed rezoning will not have a significant impact to the highway system.

Staff Recommendation: Approval

December 22, 2015

Whereas this property has been under commercial use for some time and the requested rezoning is in keeping with the Comprehensive Plan designation of Mixed Use Center, staff recommends approval.

Planning Commission Recommendation: Approval

January 5, 2016

Whereas this property has been under commercial use for some time and the requested rezoning is in keeping with the Comprehensive Plan designation of Mixed Use Center, the Planning Commission recommends approval by a vote of 5 to 0.

Board Decision:

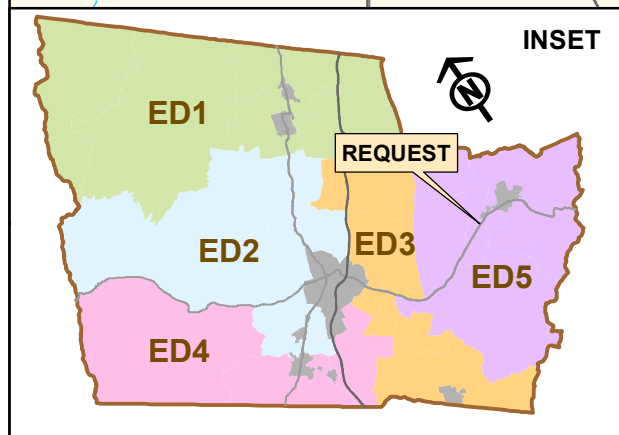
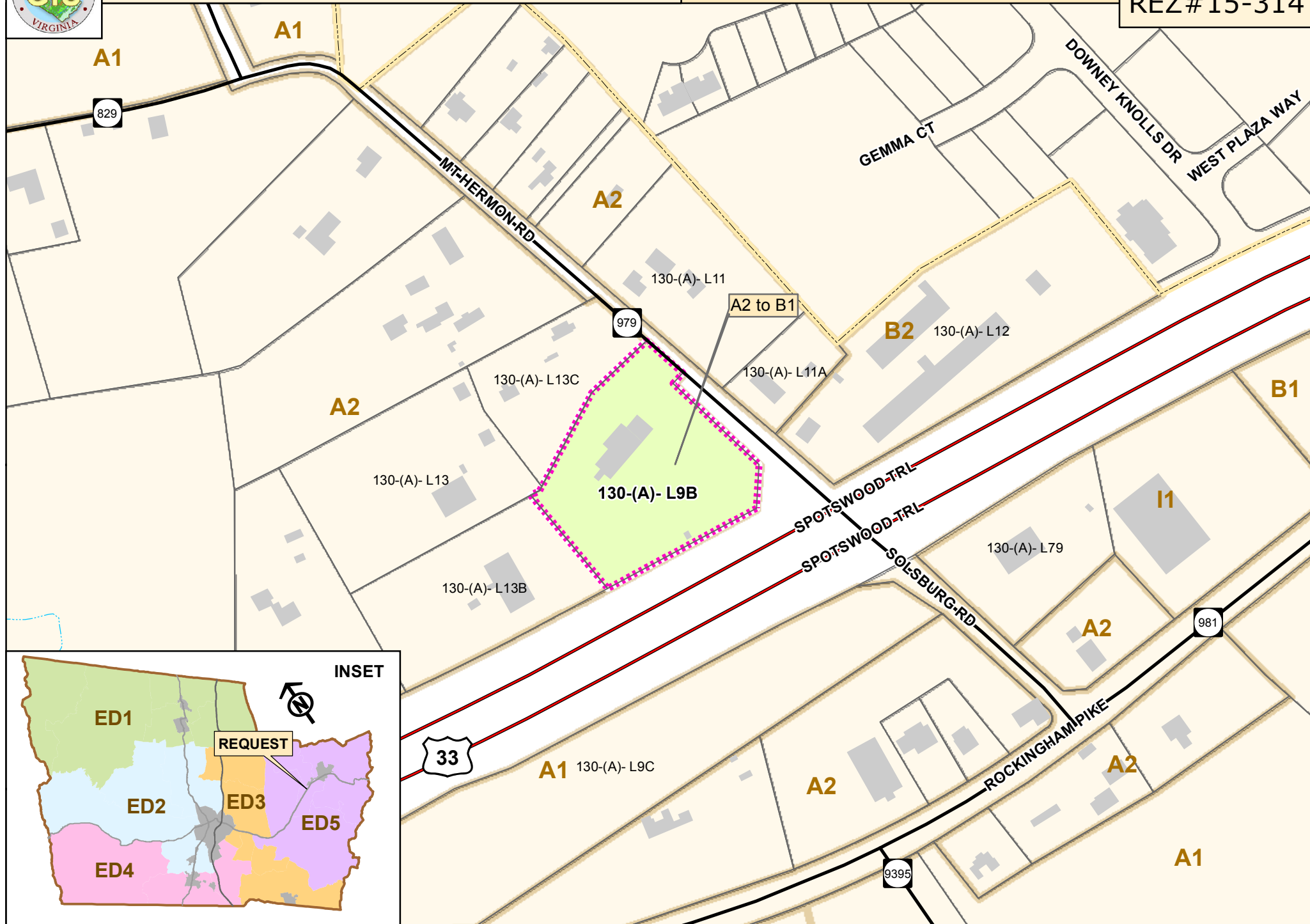


Go-Mart, Inc. Rezoning Request



PC Hearing Date: 1/05/2016
BOS Hearing Date: 1/27/2016

REZ# 15-314



TOWN OF ELKTON

173 WEST SPOTSWOOD AVENUE
ELKTON, VIRGINIA 22827
(540) 298-1951

Wednesday, November 18, 2015

TO: Rhonda Cooper
Rockingham County

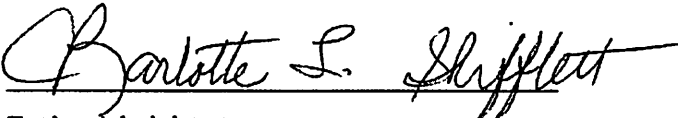
FROM: Charlotte Shifflett
Zoning Administrator

SUBJECT: Little Caesars

This correspondence is written to verify that the location, requested by Little Caesars', is connected to Town of Elkton utilities which supplies water and sewer service to the location and is sufficient to handle any future business needs.

Please feel free to contact the Office of the Zoning Administrator at 540-713-4062. Hours of operation are from 8:30 am to 4:30 pm daily.

Regards,


Zoning Administrator



Community Development Rezoning Report REZ15-317

Planning Commission
January 5, 2016

Board of Supervisors
January 27, 2016

Applicant	Lispen, LLC
Tax Map Id	124-(A)- L40 (portion); 123-(A)- L74 (portion)
Present Zoning	General Industrial District with Conditions (I-1C)
Proposed Zoning	General Industrial District with Conditions (I-1C)
Location	South of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81
Acreage	28.5210
Election District	4
Comprehensive Plan	Industrial

Staff Recommendation:	Table December 22, 2015
Planning Commission:	
Board of Supervisors:	

GENERAL INFORMATION

OVERVIEW / BACKGROUND

The Board approved the rezoning of this property from Prime Agricultural District (A-1) to General Industrial District with Conditions (M-1C) in 2003. At that time the applicant submitted a list of proffered conditions to the rezoning, including a list of prohibited uses for the property. The General Industrial District (M-1) has been renamed the Heavy Industrial District (I-1) as part of the Comprehensive Zoning Ordinance Rewrite, adopted in 2014. The applicant requests an amendment to the proffered conditions that remove some of the prohibited uses from the list as well as eliminating some of the conditions that are no longer relevant.

PROFFERS¹

The applicant has submitted a revised list of proffered conditions, which has been attached to this report.

COMPREHENSIVE PLAN

Industrial Areas offer major areas for industrial development within the County. Manufacturers locate in this area offer good access to primary roads and I-81. Appropriate uses include distribution centers, wholesale and warehouse establishments, research and development companies, flex space, and offices.

ZONING AND EXISTING LAND USE

No issues with the request.

Adjoining Properties and Uses

Direction From Site	Zoning	Existing Land Use
North	Heavy Industrial District (I-1)	Undeveloped
East	Heavy Industrial District (I-1)	Undeveloped
South	Heavy Industrial District (I-1)	Undeveloped
West	General Business District (B-1)	Undeveloped Interstate 81

¹ Proffers are voluntary contributions made by developers to the County through the conditional zoning process. Proffers are binding commitments which become a part of the County's zoning ordinance as it pertains to a specific property.

STAFF AND AGENCY ANALYSIS

UTILITIES

Public Works

Public Works has a 12" water main in the vicinity that has adequate domestic flow for the property. Easements may need to be provided to extend the waterline onto the property. For sewer, Public Works has an 8" line that crosses the property. The 8" line was installed at minimum grade which can flow 500,000 gallons per day. Adequate capacity is available in the line for the proposed rezoning.

Health Department

No comment; public utilities to serve.

ENVIRONMENTAL

Soils



14C2 – Slopes are 7 to 15 percent. Depth to a root restrictive layer, bedrock (lithic), is 20 to 40 inches. The natural drainage class is well drained. Water

movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is very low. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

23B2 – Slopes are 2 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

23C2 – Slopes are 7 to 15 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

24B2 – Slopes are 2 to 7 percent. Depth to a root restrictive layer, bedrock (lithic), is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

25B2 – Slopes are 2 to 7 percent. Depth to a root restrictive layer, bedrock (lithic), is 40 to 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately low. Available water to a depth of 60 inches is moderate. Shrink-swell potential is high. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

68B – Slopes are 0 to 7 percent. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is moderate. Shrink-swell potential is low. This soil is frequently flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. This soil does not meet hydric criteria.

Environment

No comment.

Schools

No comment.

Fire & Rescue

Property is located within the Hose Company #4 Volunteer Fire Department's Port Republic Road Substation and Harrisonburg Volunteer Rescue Squad's respective first due areas. With the continued construction and growth within the County, our office has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency [services].

Sheriff

No comment.

TRANSPORTATION

Traffic Counts

Road	Classification	Geometry	Traffic Count*	Posted Speed
Cecil Wampler Road (Route 704)	Minor Collector	2-Lane Highway	4,300 VPD (2014)	45 MPH

* Vehicles Per Day (VPD)

VDOT

The proposed rezoning to allow a truck terminal on the subject parcels could have a significant impact to the highway system. The following comments are intended to address VDOT traffic concerns and access to the site:

1. There has been informal discussion regarding the traffic generation of the proposed truck terminal. The understanding was that the business would be limited to 35 employees and less than 25 trucks per day. However, the rezoning has not been proposed with any such limitations. Due to the size of the property and the potential impact a large trucking terminal could have, VDOT recommends the rezoning be conditioned on not exceeding the above referenced volumes.
2. It is VDOT's understanding that Crowe Drive will be extended to the south side of Cecil Wampler Road to serve as access to the subject parcels. Note #1 regarding "The primary road affording access on the east side of Interstate

81", should not be removed if it remains the intent for Crowe Drive to come into the secondary system.

3. It is our expectation that access to both of the subject parcels will be via Crowe Drive. It is undesirable to have an additional access onto Cecil Wampler Road. The attached plat shows a separation between the proposed right-of-way for Crowe Drive and Lot 74. This will prevent Lot 74 from having direct access to Crowe Drive. This could be viewed as a spite strip. The boundary line should be adjusted or an easement provided to guarantee a connection to Crowe Drive.

SUMMARY

Considerations

- This amendment to the proffered conditions removes several uses from the list of prohibited uses, reinstating it as a permitted use on this property.
- The amendment also removes conditions that are already addressed in the Rockingham County Zoning Ordinance.
- The Comprehensive Plan identifies this area for Industrial development.
- With the continued construction and growth within the County, the Office of the Fire Marshal has concerns with being able to provide emergency services to new and upcoming projects and locations while maintaining current emergency [services].
- The proposed rezoning to allow a truck terminal on the subject parcels could have a significant impact to the highway system.

Staff Recommendation: Table

December 22, 2015

Although the amendment revises the proffers to be in accord with the newly adopted zoning ordinance and adds previously excluded uses without changing the underlying zoning, the applicant has yet to present a clean letter of proffered conditions or to address the concerns of VDOT. Until these issues are resolved, staff recommends tabling the request.

At the public hearing, the applicant submitted a revised proffer statement that aligns with the current zoning ordinance. VDOT, having reviewed the proffer statement also submitted revised comments identifying no concerns. Due to these developments, staff recommended approval at the hearing.

Planning Commission Recommendation: Approval

January 5, 2016

Whereas the amendment to the proffers brings the language into conformance with the newly adopted zoning ordinance and remains in compliance with the

Lispen, LLC
REZ15-317
Zoning from I-1C to I-1C

Comprehensive Plan, the Planning Commission recommends approval by a vote of 5 to 0.

Board Decision:

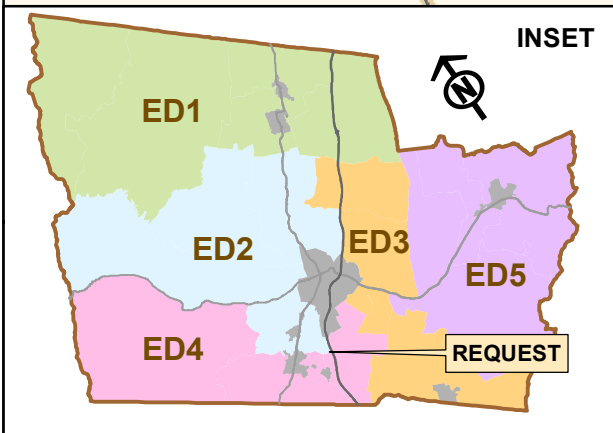
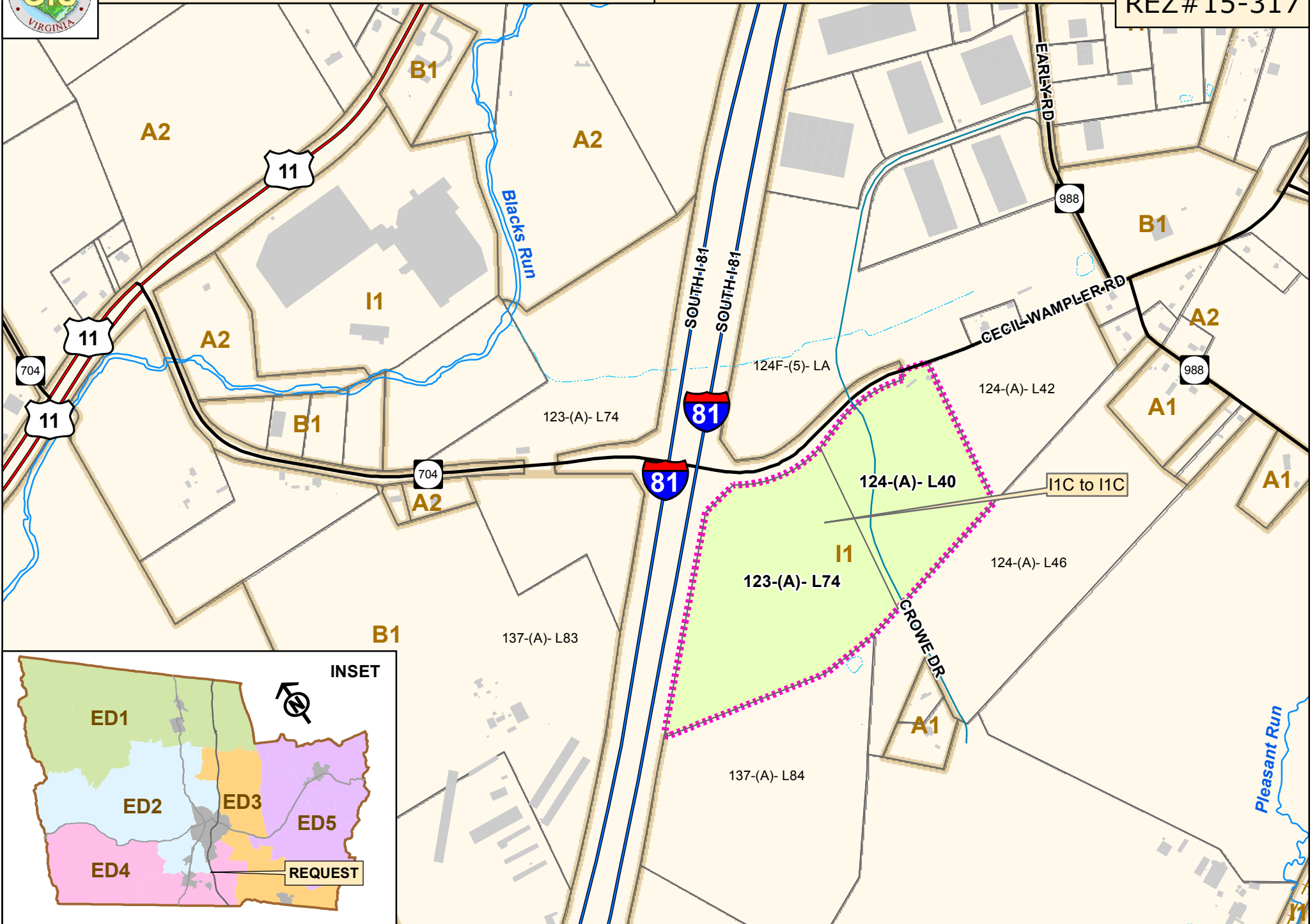


Lispen, LLC. Rezoning Request



PC Hearing Date: 1/05/2016
BOS Hearing Date: 1/27/2016

REZ# 15-317



January 5, 2016

Mr. James B. May
Senior Planner
County of Rockingham
20 E. Gay St.
Harrisonburg, VA 22802

Dear Mr. May,

In reference to the rezoning request REZ15-314 of Lispen, LLC to rezone portions of parcels TM# 123-(A)-L74 and TM# 124-(A)-L40 totaling 28.521 acres, located south of Cecil Wampler Road (Rt. 704) and east of Interstate Highway 81 from General Industrial District with Conditions (I-1C) to General Industrial District with Conditions (I-1C), we offer the following proffers:

The Property shall not be used for any of the following uses:

1. Feed mill
2. Poultry litter or brokerage operation
3. Impound lot
4. Airport, heliport or flight strip

Additionally, all special uses permitted on the property will be subject to a public hearing process under the Rockingham County Zoning Ordinance.

The development of any portion of the property shall be subject to compliance with the following additional proffered conditions:

1. All ingress and egress to the Property shall be by Crowe Drive.
2. Crowe Drive shall be constructed to applicable Virginia Department of Transportation standards.
3. Landscaping plan shall be submitted with any site plan submission and responsibility for installation and maintenance of landscaping will be with the Property owner(s). A line of shade trees shall be evenly spaced along the Property boundary with Interstate 81 and Cecil Wampler Road to break up the visual line of site from Interstate 81 (the intent being to provide visual interest, not a screen).
4. No neon or electronic message board signage shall be permitted on the Property.

Please let me know if you have any questions or concerns. Thank you for your assistance in this rezoning request.

Sincerely,



Devon C. Anders, President
InterChange Group, Inc., Manager



HARRISONBURG RESIDENCY

LAND USE MEMORANDUM

DATE: January 4, 2016
TO: Mr. James B. May, Rockingham County Planner
FROM: David B. Atwood, P.E., Area Land Use Engineer
RE: Rezoning Hearing – January 2016

James,

The following comments are offered to replace the previous VDOT comment letter that was submitted on December 14, 2015.

REZ15-317 Lispen, LLC, 1346 Pleasants Drive, Suite 6, Harrisonburg, VA 22801, to rezone portions of TM# 123-(A)- L74 and TM# 124-(A)- L40, totaling 28.521 acres, located south of Cecil Wampler Road (Rt 704) and east of Interstate Highway 81, zoned General Industrial District with Conditions (I-1C), to General Industrial District with Conditions (I-1C). The Comprehensive Plan identifies this area as Industrial. The property lies in Election District 4.

Roadway Information: Cecil Wampler Road (Route 704)

- **Functional Class.:** Minor Collector
- **Geometry:** 2-Lane Highway
- **Traffic Count:** 4,300 VPD (2014)
- **Posted Speed:** 45 MPH

The proposed rezoning to allow a truck terminal on the subject parcels would not create a significant amount of additional traffic when compared to traffic that could be generated under the current zoning.

Thank you for allowing us the opportunity to comment. Please let me know if you have any additional questions or concerns.

Sincerely,

David B. Atwood, P.E.

VDOT | Area Land Use Engineer

ORDINANCE ENACTING
CERTAIN CHANGES TO CHAPTER 17, ARTICLE 7
Section 17-701.02
OF THE CODE OF ORDINANCES OF
ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That portions of Article 7 Development Standards, Section 17-701.02. Public Streets be and hereby is changed and re-enacted as follows:

AMEND:

Sec. 17-701.02. Public Streets.

(b) In the R-1, R-2, and R-3 zoning districts, all streets shall be public streets. In R-3 apartment complexes, the parcel must front on a public street. However, access from the public street to the parking lot may be by a private access easement meeting the requirements of Fire Department access roads as outlined in the Rockingham County Fire Prevention Code. In manufactured home parks in the MH-1 zoning district, no streets shall be public streets. In mixed home subdivisions in the MH-1 zoning district and in all other zoning districts, streets may be public streets or private streets.

This ordinance shall be effective from the __ day of _____, 201__.

Adopted the __ day of _____, 201__.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler
Supervisor Kyger
Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION **APPROVAL** **December 11, 2015**

This amendment is a housekeeping item. The current zoning ordinance states that all streets in R-1, R-2, and R-3 shall be public streets. While the lot itself must front on a public street, this amendment allows for a private access easement to lead from the public street to the parking lot. Staff recommends approval.

PLANNING COMMISSION **APPROVAL** **JANUARY 5, 2016**

Concurring with Staff's recommendation, with a vote of 5 – 0, the Planning Commission recommended approval of the amendment.

ORDINANCE REPEALING AND RE-ENACTING

AS FOLLOWS:

SECTIONS 17-400.02(d), 17-404.02(c), 405.02(d), 702.07, 703.01(c), 703.08(b), and 17-1004.10(b)(2)

OF THE CODE OF ORDINANCES

OF

ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the following sections of Chapter 17, Zoning, are repealed and re-enacted:

Sec. 17-400.02. - Requirements.

- (d) The project area shall be under unitary ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any site plans, be deemed to be an owner of such land. Unified control may be established by, but is not limited to, the formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the planned development; covenants and restrictions, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall run with the land and insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or an agreement of all owners, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning.

Deleted: final

Sec. 17-404.02. - Requirements.

- (c) The use of any area within the R-4 district shall be shown on the site plan.

Deleted: final

Sec. 17-405.02. - Requirements.

- (d) The use of any area within the R-5 district shall be shown on the site plan.

Deleted: final

Sec. 17-702.07. - Shared parking.

For shared parking, supporting documentation and a plan for parking shall be submitted as a part of the site plan. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian-and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability.

Deleted: final plan or

Sec. 17-703.01. - Landscape plan.

- (c) With prior approval of the zoning administrator, the required contents of the landscape plan may be shown on the site plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

Deleted: or final plan

Sec. 17-703.08. - Utility easements.

- (b) In any planned district, utility easements shall be a minimum of twenty (20) feet in width. Location of all utility easements shall be determined and approved as part of the site plan.

Deleted: final

Sec. 17-1004.10. - Effect of acceptance.

- (b) Map references; conformance to existing conditions:

- (2) Any site plan, or subdivision thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by the zoning administrator in the absence of such conformity.

Deleted: , final plan,

This ordinance shall be effective from the ___ day of _____, 2016.

Adopted the ___ day of _____, 2016.

Aye Nay Abstain Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breedon

Chairman of the Board of Supervisors

ATTESTE:

Clerk

STAFF RECOMMENDATION: Approval

December 14, 2015

The information required for plans submitted for planned development districts (projects with master plans), which are termed final plans, is the same as the plans submitted for conventional districts (projects without master plans), which are termed site plans. To simplify the terminology in Chapter 17 and in acknowledgement that final plans and site plans include identical information, staff recommends using the term "site plan" to refer to all plans, regardless of whether they are controlled by a master plan or not.

PLANNING COMMISSION: Approval

January 5, 2016

On a 5-0 vote, concurred with staff's recommendation of approval.

ORDINANCE REPEALING AND RE-ENACTING

AS FOLLOWS:

SECTIONS 17-400.02(d), 17-404.02(c), 405.02(d), 702.07, 703.01(c), 703.08(b), and 17-1004.10(b)(2)

OF THE CODE OF ORDINANCES

OF

ROCKINGHAM COUNTY, VIRGINIA

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That the following sections of Chapter 17, Zoning, are repealed and re-enacted:

Sec. 17-400.02. - Requirements.

- (d) The project area shall be under unitary ownership or under unified control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any site plans, be deemed to be an owner of such land. Unified control may be established by, but is not limited to, the formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the planned development; covenants and restrictions, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall run with the land and insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or an agreement of all owners, properly executed and recorded in the office of the Clerk of the Circuit Court of Rockingham County, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning.

Sec. 17-404.02. - Requirements.

- (c) The use of any area within the R-4 district shall be shown on the site plan.

Sec. 17-405.02. - Requirements.

- (d) The use of any area within the R-5 district shall be shown on the site plan.

Sec. 17-702.07. - Shared parking.

For shared parking, supporting documentation and a plan for parking shall be submitted as a part of the site plan. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian-and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability.

Sec. 17-703.01. - Landscape plan.

- (c) With prior approval of the zoning administrator, the required contents of the landscape plan may be shown on the site plan, and particular information may be omitted from a landscape plan when, due to the nature or limited scope of a development, such information is not necessary for evaluation of the plan or for purposes of maintaining a record.

Sec. 17-703.08. - Utility easements.

- (b) In any planned district, utility easements shall be a minimum of twenty (20) feet in width. Location of all utility easements shall be determined and approved as part of the site plan.

Sec. 17-1004.10. - Effect of acceptance.

- (b) Map references; conformance to existing conditions:
 - (2) Any site plan or subdivision thereafter submitted for development of property to which proffered conditions have attached shall conform to all such conditions and shall not be approved by the zoning administrator in the absence of such conformity.

This ordinance shall be effective from the ___ day of _____, 2016.

Adopted the ___ day of _____, 2016.

Aye

Nay

Abstain

Absent

Supervisor Cuevas

Supervisor Eberly

Supervisor Chandler

Supervisor Kyger

Supervisor Breeden

Chairman of the Board of Supervisors

ATTESTE:

Clerk